

INSTRUCTIONS

FOR

COLLECTORS

OF

EXCISE,

IN

PROSECUTIONS before Justices of the Peace, for Forfeitures incurred, or Offences committed against the Laws relating to the Duties of EXCISE, and other Duties under the Management of the *Commissioners of EXCISE*.

WITH SOME

OBSERVATIONS on several Clauses in the *Excise-Acts*, and other *Acts* relating to such Proceedings, and to Proceedings upon Appeals, at the *Quarter-Sessions*, in those Cases. And some PRECEDENTS of *Informations*, *Summons*, *Judgments*, and *Warrants* to be used in such Cases.

In Two Parts.

PART I.

L O N D O N :

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16

INSTITUTIONS

To the HONOURABLE

HIS MAJESTY'S COMMISSIONERS

FOR THE

DUTIES OF EXCISE &c

GENTLEMEN



TO THE HONOURABLE
His MAJESTY's Commissioners
FOR THE
DUTIES of EXCISE, &c.

GENTLEMEN,

YOU having taken Notice, That just Prosecutions before Justices of the Peace, for palpable Frauds against the Laws of Excise, have upon Cavils and frivolous Objections against the Forms of such Proceedings, too often miscarried, to the Incouragement of the Fraudulent, and Prejudice of the fair Trader, and of the Revenue, in which the whole Nation is interested; and you having thereupon directed that Instructions should be prepared for Preventing the like for the future, I here present you with a Treatise designed for that Purpose.

Some Parts thereof will perhaps seem tediously prolix, where much is said to explain what may appear not to need Explanation; but I hope that will be excused, when it is consider'd, that these Instructions were not wanted or intended for your own Use, but for the Use not only of your Col-
lectors,

The DEDICATION.

lectors, but also of your other Officers, who generally being unacquainted with legal Proceedings, have (as by Experience and to my great Trouble I have found) stood in need of further Direction, even after Instructions which seemed very plain and intelligible.

Besides, if I should here repeat but some of the many Accounts you have received of just Proceedings, quashed upon foreign and trifling Exceptions, it would (I believe) then appear, that nothing can be too full, plain, or particular, to furnish your Officers with Answers to such Cavils and Objections.

If the Business of my Office would have given me Leave to have begun and ended what is here done, without frequent Interruptions, some Repetitions might have been prevented, some Paragraphs more orderly placed, and the whole more correct; as it is, I hope it will be conducive to the carrying the Excise Laws into due Execution against Frauds, which, in Consequence will be a Protection to fair Traders, and a Benefit to the Revenue; and if so, it will answer all that was proposed or intended by you, and that hath been endeavoured by,

GENTLEMEN,

Your most Humble Servant,

EXCISE-OFFICE,

Octob. 8, 1716.

John Ellis.

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Containing Precedents of Informations and Pro-
ceedings relating to the Duties on Hides, &c. and
to Seizures of Brandy, &c.

INSTRUC-

FOR
COLLECTORS *of* EXCISE.

Of the Jurisdiction of Justices of the Peace, in Causes relating to the Penalties and Forfeitures imposed by the Acts of EXCISE, &c.

THE Act of Parliament for taking a way the Court of Wards and Liveries, &c. and for setting a Revenue upon his late Majesty King *Charles* the Second, his Heirs and Successors, viz. 12 *Car. II.* Cap. 24. having laid Duties of Excise upon Beer, Ale, and other Liquors therein mention'd; and having, for the better charging and collecting those Duties, required Common Brewers and others liable to those Duties, to do and perform several Things in the said Act mention'd; and forbid the doing other Things in the said

Of the Jurisdiction of

Act likewise expressed, under several and respective Penalties and Forfeitures in the said Act mention'd.

For the more easie and speedy recovering these Penalties and Forfeitures, the said Act hath erected and established a Jurisdiction, at that time entirely new, viz. *Sett. 44. Excise Book, Fol. 42.* it is enacted, *That all Forfeitures and Offences against the said Act, or any Clause therein, which shall be made or committed within the Limits of the Chief Office in London, shall be heard and determined by the Chief Commissioners, &c. and that all Forfeitures and Offences against the said Act, &c. made, &c. within any other Counties, Cities, Towns, or Places, within the Kingdom of England, or Dominions thereof, shall be heard and determined by any Two or more Justices of the Peace, residing near to the Place where such Forfeitures shall be made, or Offence committed, &c.*

Other Acts of Parliament have been since made, for granting Additional Duties, and Duties on other Manufactures; and for laying other Penalties and Forfeitures: But for the recovering thereof, they all refer to this Act, which is the Ground and Foundation of the Jurisdiction which Justices of the Peace have in Causes relating to all these Duties; and therefore, for the better understanding how to proceed before Justices of the Peace in these Causes, it may not be amiss to make some Observations on the before-mentioned Clause.

First, That the Jurisdiction in these Causes is not by the foregoing Clause limited or confined to the nearest Justices; for such a Restriction would have made the putting these Laws in Execution very precarious: But this Act having gi-
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Justices of the Peace.

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ven this Jurisdiction to *any* two or more Justices *residing near, &c.* and not having ascertained or expressed, what nearness is thereby meant or intended, it seems reasonable to infer from thence, that the Intent and Design of the Makers of this Act was, that this Jurisdiction should be liberal and extensive; and that the adding these Words, *residing near, &c.* is only by way of Direction, and to intimate, that the Parties should not unnecessarily be obliged to take very long Journeys.

Secondly, That tho' this Act particularly mentions Forfeitures and Offences made, &c. (in) Cities, Towns, &c. yet it doth not say, that such Offences, &c. in such Cities or Towns, shall be heard and determined by Two or more Justices (of) such City or Town, but only by Two or more Justices *residing near, &c.* by which it seems as tho' the Makers of this Act had not any View or Expectation, that the Justices of each particular Place would be better qualified than other Justices who were as near; but did think that these Laws would more likely be effectually executed by extending, rather than by confining and cramping the Jurisdiction; because the one would make the Prosecutions on these Laws easie both to the Justices and to the Parties, which the other would often make to be difficult, and sometimes impracticable, some Justices, as particularly Common Brewers, being expressly excluded from acting as Justices in these Cases, relating to Prosecutions on the Acts of Excise.

And therefore when any Forfeiture or Offence against these Laws is made or committed in any Town (not being a County of it self) or in any Corporation where some of the Magistrates are Justices of the Peace, such Forfeiture or Offence

Of the Jurisdiction of

may be heard and determined, either by Two or more of the Justices of the Peace of the County, where such Town or Corporation is, or by Two or more of the Justices of such Town or Corporation, or by One of the County Justices, and One of the Justices of such Town or Corporation, according as the Informer shall lay and exhibit his Information; notwithstanding that in the Charters of some Corporations there are Clauses for excluding all other Justices of the Peace, except the particular Justices of such Corporation, from acting in Matters of the Peace arising and happening within such Corporation; and for that purpose the County Justices may meet, and sit at, and in such Corporations.

For tho' the Charter of a Corporation may be of Force sufficient to restrain the Cognizance of the Matters of the Peace, happening in such Corporation, to the Justices thereof, and to exclude all other Justices of the Peace from meddling therein; yet it won't follow, that such excluding Charter will be sufficient to exclude other Justices of the Peace from hearing and determining Offences against these Laws, happening within such Corporation.

Because such excluding Clauses, mentioning (as they generally do) only Matters of the Peace, and such other Matters as originally, or at the times of granting those Charters, were within the Cognizance of Justices of the Peace, those Clauses cannot properly be construed or taken to extend to Offences against the Excise-Acts, which are not Breaches of the Peace, but are of a quite different Nature, and would not have been within the Cognizance and Jurisdiction of Justices of the Peace, had not these Acts of Parliament, by express Words, appointed them so

Justices of the Peace.

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to be. And tho' the Jurisdiction which Justices of the Peace have in these Matters, is indeed by this Act of Parliament conveyed to them by the Description of Justices of the Peace; yet that doth not alter the Nature of the Offences, nor doth make the incurring these Penalties and Forfeitures, which are of Civil Cognizance, to become Breaches of the Peace.

Besides it may be further observed, That since the making this Act, Justices of the Peace are to be consider'd as Persons having two Capacities of distinct and different Kinds: or as Magistrates having two Jurisdictions of distinct and different Natures; the one, their Ancient and Original Jurisdiction; the other, their New Additional or Collateral Jurisdiction; in all which Cases it is a standing Rule, That if two different Capacities centre and concur in one Person, yet those Capacities remain and continue as distinct and separate as if they were in two different Persons.

The Jurisdiction which Justices of the Peace had before the making this Act, may be called their Original Jurisdiction: But this Jurisdiction for hearing and determining Offences against Laws of Excise, may be called their Collateral Jurisdiction, vested in them by the express Words of this Act of Parliament. By one, they are Magistrates in Matters relating to the Peace; by the other, they are by this Act of Parliament specially and particularly constituted Judges to hear and determine concerning Offences against the several Clauses contained in this Act; and therefore, tho' such Charters may restrain or confine their Original Jurisdiction, yet it won't follow, that therefore such Charters will confine or restrain their Additional or Collateral

Of the Jurisdiction of

Jurisdiction in Matters relating to the Excise-Laws.

But that which will be sufficient to Answer all that can be said upon this Head, is, That no Charter is, or can be sufficient to over-rule or controul the expresse Words of an Act of Parliament; and the aforesaid Act of Parliament having expressly given this Jurisdiction to *any Two or more Justices residing near, &c.* no Charter can confine or restrain that Jurisdiction to the particular Justices of a Corporation, so as to exclude the other Justices near to the respective Places where these Offences happen to be committed.

And therefore it is, and will be, at the Election of the Informer or Prosecutor, to exhibit or lay his Information before any Two or more such particular Justices, as are not very remote from the Place where such Offence is committed. But after he hath so exhibited his Information before any Two or more particular Justices of the Peace, the hearing and determining such particular Information will thereby be vested in, and confined to those particular Justices; because the particular Justices, before whom such Information is so exhibited, do thereupon make a Record of such the exhibiting thereof (that is) they make or cause to be made an Entry in Writing, That on such a Day, and in such a Year, and at such a Place, the Informer came before them (naming and setting down in such Entry, the Names of such Two or more Justices) and exhibited his Information before them; and that they (such particular Justices) did thereupon issue out their Precept and Summons for the Defendant, in such Information, to appear before them, to Answer to, and to make his Defence against such Information: And a Record thus

thus made by those Justices, will shew that the hearing and determining of the Offence mentioned in such Information, doth thereby become so appropriated to those particular Justices, before whom, &c. that no other Justices can or ought to join with them therein.

If the Two Justices, before whom such Information is so exhibited, upon hearing the Evidence do happen to differ in their Judgment; And if one be for Convicting, and the other for Acquitting; and if neither being able to convince the other, both should desire a third Justice to join with them, in order to have a Determination, yet such third Justice cannot regularly so join with them in the determining upon such Information so exhibited before them Two only, because the Record of that Proceeding being, as before is mentioned, before them Two only, if any other should take upon him to join with them therein, such other would then take upon him to judge of, and in a Matter which is not regularly before him: But in such case the Informer or Prosecutor may enter, or cause to be entered, a *Noli Prosequi* (that is) he may in Writing or otherwise declare, That he will not proceed any further upon such his Information exhibited before such two Justices, saving to himself a Right of exhibiting of another Information for that Offence; and then the Two Justices before whom, &c. may thereupon make a Record of such his Declaration and relinquishing the farther Proceeding on that Information, which thereby will be discharged, and the Case will then be as if no Information had been exhibited; and then if the three Months are not expired, the Informer may exhibit the like Information before Two or Three

other Justices, or before the first Two, and One or Two more joined with them: But so long as the Cause stands upon the Foot of the first Information, exhibited before Two Justices only, no other Justices can join with them in giving Judgment thereupon. But Note, that if such first Information is so discontinued or withdrawn, it will not afterwards be of any use to save the three Months limited for the laying these Informations.

But if any shall still insist that the County-Justices have not in these Cases such ample Jurisdiction as is before asserted, it is supposed, That the printed Opinions of Mr. Attorney-General, and Mr. Solicitor-General, will give Satisfaction to any that are disposed to be convinced; therefore see those Opinions: And Note, that as before hath been said, the County-Justices may meet to hear and determine these Offences at, and in such Corporations as are in, and part of the County, and it will be best to hear them in such Corporations.

This Act of Parliament, so far as it relates to the Jurisdiction of Justices of the Peace in these Causes, is in Fact a beneficial Law both to the Crown and to the Subject. For, if instead of this summary Way of proceeding, all such Prosecutions, as by this Act may be before Justices of the Peace, had been left to the usual Ways of proceeding in the superior Courts of Justice, the necessary Expences of such Prosecutions would very much have lessened the neat Produce of these Revenues; and the necessary Attendance, Loss of Time and Expences, in defending such Prosecutions, would in many Cases have been a far greater Tax than the Duties themselves, and would sometimes have been the

utter

utter Ruine of many Defendants: All which is or may be saved by this summary Way of Proceeding, by which these Suits and Disputes are ended and determined with little Trouble and less Expence; and therefore the Construction of this Act of Parliament, so far as it relates to the Jurisdiction of Justices of the Peace in these Cases, ought to be as favourable and as extensive as in the Case of any other beneficial Laws.

But withal it must be considered, That the Jurisdiction of the Justices is in these Cases pointed out and limited by the Words of the said Act, *viz.* they are to hear and determine *Forfeitures and Offences*; and therefore Informations for not duly paying these Duties must be laid for the Forfeiture in such Cases, *viz.* for double the Value of such Duties as are in Arrear, and cannot be laid before Justices of the Peace for the single Value of such Duties so in Arrear.

The Forfeitures upon Inn-keepers, Ale-house-keepers or Victuallers, for Selling Beer or Ale any otherwise than by a full Ale Quart, or Ale Pint, sized or equalled unto the Standard, may be heard by One or more Justice or Justices of the Peace of the County, City, or Place where such Offence shall be committed, 11 & 12 W.III. Cap. 15. Sect. 6. *Excise-Book, Fol. 248.* which Act having given this Jurisdiction concerning false Measures to the Justices, either of the County, City, or Place the Forfeitures and Offences for using false Measures in Corporations have been determined by the County-Justices.

C H A P. II.

Of laying and hearing Informations and Offences against the Laws of Excise in the proper County where such Offences happen.

THE said Act of 12 Car. II. doth not expressly direct, That the Forfeitures and Offences therein mentioned, should be heard and determined (in) the respective County or City where the same shall happen to be committed.

But the Act of 15 Car. II. Cap. 11. Sect. 22. having enacted, *That all Differences, Appeals and Complaints, that shall happen and arise between Party and Party, in order to the Payment of the Duty of Excise, shall be heard and determined in the proper County, or in the several Ridings and Divisions of Yorkshire and Lincolnshire, where they shall arise, and not elsewhere.* All Forfeitures and Offences against these Laws, must now be heard and determined in the proper County where they happen to be committed.

Here it may be observed, That most Cities are Counties of themselves, separate and distinct from the County or Counties surrounding or adjoining to them: As, *London* is a County of it self, and is no part of the County of *Middlesex*; and the like may be observed concerning some Towns; as particularly, the Town of *Pool*, tho' incompass'd by the County of *Dorset*, is really a County of it self, separate and distinct from the County of *Dorset*; so likewise the Towns of *Nottingham*, *Southampton*, *Newcastle upon Tyne*, *King-*
ston

Of laying Informations, &c.

upon *Hull*, and Town of *Carmarthen*, are each of them Counties of themselves, separate and distinct from the several Counties surrounding or adjoining to them. The Borough of *Leicester* is distinct from the rest of that County; and Forfeitures and Offences against these Laws, happening within any of these Towns, must be heard and determined in these Towns respectively, but not by reason either of their being Corporations, or of any excluding Clauses in any of their Charters, but because they are distinct Counties of themselves, separate from the County surrounding or adjoining to them.

But tho' (as before is mentioned) some Cities are Counties of themselves, yet all Cities are not so; but some belong to, and are part of the respective Counties in which they are situate; as, *Westminster* is in, and part of the County of *Middlesex*; so the Cities of *Hereford*, *Oxford* and *Durham*, are in, and are part of the respective Counties of *Hereford*, *Oxford* and *Durham*. The City of *Carlisle* is in, and part of the County of *Cumberland*; and the City of *Rochester* is in, and part of the County of *Kent*: And for Direction in this particular, it may be observed as a standing Rule, That such Cities or Towns as have a Sheriff or Sheriffs of their own, separate and distinct from the County-Sheriff, are Counties of themselves; but such Cities and Towns as have no Sheriff or Sheriffs of their own, are in, and part of the respective Counties where they are situate.

Corporation-Towns (except such as have a Sheriff or Sheriffs of their own) are in, and part of the respective Counties where they are situate; and (as to the Laws of Excise) are within the Jurisdiction of the Justices of those respective Counties where such Towns are situate. It

Of laying Informations

It may be further observed, That tho' (as before is mentioned) several Cities are Counties of themselves, distinct from the respective neighbouring Counties, yet particular Places, within the Compass and Limits of such Cities, are notwithstanding part of such neighbouring Counties; as, the Castle of *York* is part of the County of *York*; the Castle of *Norwich* is part of the County of *Norfolk*; the Castle of *Lincoln* is part of the County of *Lincoln*; the Castle of *Exeter* is part of the County of *Devon*; that part of *Gloucester*, where the Assizes for that County are held, is part of the County of *Gloucester*, and the like of *Worcester*; and therefore the Justices of the Peace of the County of *Norfolk*, may at the Castle of *Norwich* hear and determine Offences against the Laws of Excise, happening to have been done in the County of *Norfolk*; and the like at the Castle of *Exeter*, tho' the Offence happen to be committed in the County of *Devon*, and the like may be done in other like Cases.

The County of *York*, as to some Purposes, is divided into three Ridings, viz. the *East*, *West*, and *North-Ridings*; and in like manner the County of *Lincoln*, as to some Purposes, is divided into Three Divisions, viz. *Lindsey*, *Kesteven* and *Holland*; and the beforementioned Act having directed, that Differences and Complaints relating to the Duties of Excise shall be heard and determined in the respective Ridings and Divisions of the said Two Counties, Forfeitures and Offences against these Laws, committed in any of the said Ridings or Divisions, ought to be heard and determined in the proper and respective Riding or Division where such Offence shall happen: But the said Act of Parliament not

not mentioning any other Divisions in any other Counties, what is therein mentioned about the Divisions of these Two particular Counties, cannot be applied to any other Counties, but only to these Two Counties particularly named.

If a Common Brewer, Distiller or Maltster, or other Person liable to the Duties of Excise, should happen to have a Dwelling-House in one County, and a Brew-House, Distilling-House, or Malt-house, or the like, in another County; and if at such Brew-House, Distilling-House, or Malt-house, any Fact should be done contrary to any Clause in any of the Excise-Acts, the Information must in such Case be laid in the County where such Brew-House, Distilling-House, or Malt-House is, before Two or more Justices of that County; and when they have granted their Summons upon such Information, such Summons may be served upon the Defendant in the County where he liveth, or in any other County; and if the Defendant, tho' served therewith, doth not appear upon such Summons, Judgment may be given against him, as well as if he had lived in the same County where such Information is laid.

C H A P. III.

Of the Time limited for the laying these Informations before Justices of the Peace, viz, of the Three Months limited for the laying thereof; and from what Time, and how the said Three Months are to be computed.

THE Prosecutions before Justices of the Peace, for Offences against the Laws of Excise, are not by the said first mentioned Act of 12 Car. II. Cap. 24. limited or restrained to be commenced in any set or particular Time.

But by the Act of 1 W. & M. Cap. 24. Sect. 16. *Excise-Book, Fol. 110.* no Information is to be prosecuted against a Common Brewer, &c. for any mis-entry, unless it be laid or entered before such Persons appointed to determine the same (*viz.* the Justices of the Peace) within Three Months next after every such Offence committed. And in the Act of 12 & 13 W. III. Cap. 11. Sect. 17. *Excise-Book, Fol. 261.* there is the like Clause for restraining and limiting the Time for laying Informations against Common Distillers and Vinegar-Makers for such mis-entries, &c.

The several and respective Acts for laying Duties upon other Manufactures, *viz.* upon Sweets, Malt, Candles, Hops, Soap, Paper, Callicoes, Linens and Stuffs, printed, painted, stained or dyed; and upon Starch; and upon Gilt and Silver Wire, have likewise in them several
Clauses

Of the Three Months limited, &c.

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Clauses for several Penalties in Cases of omitting or committing several and respective Acts relating to those Manufactures; and in all and every of the said Acts, there are Clauses whereby for the recovering those respective Penalties and Forfeitures, the said several Acts do refer not only to the said first-mentioned Act of 12 Car. II. but also to the other Acts and Laws of Excise, which were in Force at the respective Times of granting the said respective Duties last mentioned; and the Duties and Penalties granted and imposed by the said last-mentioned Acts, being thereby appointed to be sued for, and recovered according to the said first-mentioned Act, and the other Acts of Excise then in Force, Informations before Justices of the Peace, relating to the said last-mentioned Manufactures, ought in like manner to be laid and exhibited within Three Months next after the committing each respective Offence, for which such Information shall happen to be laid or prosecuted.

But such Three Months are not to be computed by Calendar or Almanack Months, but by Lunary Months of Four Weeks to a Month, and no more; according to which Computation, Eighty Four Days make up the Three Months: And therefore, if Informations of this kind are not laid before Justices of the Peace within such Eighty Four Days next after the committing the Offence, they then come too late.

It will not be needful to give any further Direction from what Time the Three Months are to be computed, in Cases where the Offence doth consist in a single Act done at one particular Time only, and not repeated or continued: But in some other Cases, where the Offence consists in Acts either repeated or continued, it may

may not (perhaps) be so easy to know from what Time the Three Months are to be computed. As for Instance:

By the Acts for laying Duties upon Candles, such Persons as make Candles, not to Sell or make Profit of, but to be consumed in their own private Families only, may make Compositions for the Duties of such Candles so by them to be made, at the rate of Two Shillings a Year for every Head which, at any time, during their Composition, shall be of their Family; and if, after such Composition made, their Family happens to increase, by adding thereto One or more Person or Persons, they in such Case, at, or before the next Quarter-Day, ought to give Notice in Writing at the next Office of Excise of such Person or Persons so added to their Family; and if the giving such Notice be neglected, such Compounder, in such Case, forfeits Five Pounds, and loseth the Benefit of his Composition, and becomes liable to pay the same Duties for the Candles he afterwards makes, as are paid by the Common Chandlers and Traders in Candles.

Suppose then, that the Master of a Family on the Five and Twentieth of *March*, make a Composition for the Duties on Candles to be made and used in his own private Family, then consisting of Five Persons only; and suppose, that tho' in *April* or *May* following, his Family is increased by the Addition of One or Two Persons more, yet he don't give Notice thereof at, or before *Midsummer* then next following, but continues on the Foot of his first Composition, as if no Addition had been made to his Family; and suppose this is not found out or discovered until after *Michaelmas* following, when it will be above Three Months since his Composition was first broken;

broken, and since he first became an Offender against this Law, yet nevertheless he after the said *Michaelmas* may be prosecuted before Justices of the Peace for this Offence.

For in the first Place, the Three Months are not to be computed from the Time of taking in to his Family such additional Person or Persons as aforesaid, because such taking in such additional Person or Person is no Offence: But his first Offence was, his not giving Notice at, or before the said *Midsummer*, that he, since the preceding Quarter-Day, had taken such Person or Persons into his Family; and for that Offence, *viz.* the not giving such Notice, an Information might have been laid against him within Three Months next after the said *Midsummer*: But tho' by omitting then to lay such Information, the laying an Information for the neglecting to give Notice on or before that particular Quarter Day is lost and gone, yet he is not to be permitted for ever afterwards to go on in repeated Breaches of this Law without ever being punished for such repeated Breaches thereof.

But on the contrary, for as much as the having between *Midsummer* and *Michaelmas* more Persons of his Family than he had compounded for, and the not giving Notice at *Michaelmas* of such Person or Persons being added to his Family, is as much a Breach of this Law, as was his not giving Notice thereof at *Midsummer* aforesaid, he at any Time within Three Months next after *Michaelmas*, may be prosecuted for not giving Notice at *Michaelmas*, as well as he might have been within Three Months next after the said *Midsummer*, for not then giving the like Notice, the one being as much a Breach of this Law as the other; and until such Notice shall

Of the Three Months limited

be given, the omitting at any other following Quarter-Day to give the like Notice, is, and will be a repeated Instance of an Offence of the very same Nature as the first; and until he has been once punished for this Offence, he for omitting to give Notice at any other Quarter-Day, is, and will be liable to the very same Penalty and Prosecution as for the first; but he is to be but once punished for one and the same Offence.

By the Excise-Acts, *No Common Distiller is to set up, make use of, or to alter any Wash, Batch, Cask, or other Vessel, or any Still, for the making or keeping Wash for Distillation, or of Low-Wines, without giving Notice thereof at the next Office of Excise, on pain to forfeit Twenty Pounds for every such Cask, Wash, Batch, Copper, Still, or other Vessel, so set up, used or altered.*

Suppose then, That a Distiller sets up and begins his Trade at *Lady-Day*, and then giveth due Notice of all the Stills he then has, and suppose that in a Week or Fortnight after he privately sets up, and makes use of another Still, without giving any Notice thereof, and goes on using such private Still, without being detected therein until *Michaelmas* following, and then, and not before this is found out.

If an Information be then laid against him before Justices of the Peace for such the first setting up such Still, such Information will not be laid within the said Three Months next after the first setting up of such Still, which, according to the Case before supposed, will then be Six Months before the laying such Information: But if in the Case before supposed, the Information (instead of being laid for setting up of the said Still) be laid (as it may be) for using the said Still; and if it be proved, that at one
or

or more Time or Times, within Three Months next before the laying such Information, the Distiller made use of the said Still, so set up as aforesaid, such Information will be good, and may be maintained, because the Offence mentioned in such Information, viz. the using such Still will, in Fact, be within Three Months next before the laying such Information: And the using such Still without Notice, is as much a Breach of that Law, and as much a Forfeiture of the Twenty Pounds Penalty as the first setting up thereof; for the Words in the Act of Parliament in such Case are in the Disjunctive, viz. *That no common Distiller shall set up, make use of (or) alter any Tun, Cask, Wash, Batch, Copper, Still, or other Vessel, &c.* so that the setting up, or the making use of, or the altering such Still, &c. being (as they are) all different and distinct Acts, and the doing any one of them without Notice, being (as it is and will be a Breach) of the said Law, an Information may be laid for any one of those Acts, viz. *Either for the setting up, or for the making use of, or for the altering such Still, &c. without Notice:* And forasmuch as the proving at what particular Time such Still was first set up, may be more difficult than to prove at what Time or Times such Still hath been made use of, it will be much safer to lay such Information for the making use of such Still, &c. without Notice, rather than for the setting up thereof without Notice.

There are other Offences which, in the Nature thereof, are continuing Offences: As for Instance;

If any Common Brewer, Victualler, or Retailer of Beer or Ale, hide, conceal, or convey away any Beer, Ale, or Worts, from the Sight

Of the Three Months limited

and View of the Gauger, they respectively forfeit Twenty Shillings for every Barrel so hid, concealed, or conveyed away: And if Common Distillers, or Makers of Low-Wines, Spirits or Strong-Waters for Sale, hide, or conceal such Low-Wines, Spirits, or Strong-Waters, from the Sight and View of the Gauger, they forfeit Five Shillings for every Gallon so hid, concealed or conveyed away.

By the several and respective Acts relating to all other the respective Duties upon other Liquors, Goods and Manufactures, charged with like Duties, there are also respective Penalties for hiding and concealing such Manufactures.

Now this Offence, by hiding, concealing, &c. doth not consist barely in the first Act of hiding and concealing, at the particular Time when any Thing is at first so hid and concealed; but this Offence, in the Nature thereof, is a continuing Offence (that is) when any Thing is once hid and concealed, it remains so until it is either produced or discovered, or otherwise disposed of: And therefore, if a Common Brewer, &c. should on the First Day of *May* hide, conceal, or convey away Two or Three Barrels of Drink, and afterwards keep the said Drink thus hid until *Michaelmas* following; and if then, and not before, the said Drink should be discovered and found actually hid and concealed until that Time, and thereupon an Information should then be laid against such Brewer, for such hiding and concealing thereof, such Information, would be well, as to the Time of the laying thereof, and would be within the Three Months, notwithstanding it would then be above Three Months from the first hiding, &c. thereof; because whatever is

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once hid and concealed, and is kept and continued so hid and concealed, and is afterwards found and discovered so hid and concealed, is, and remains hid and concealed during all that Time; and in the Case before supposed, the Brewer did as much hide and conceal such Drink the very Day when the same was found so hid and concealed, as he did the first Day it was hid and concealed: For hiding and concealing any Thing, does not consist barely in the first putting or laying such Thing out of sight, in this or that private Place; for such putting or laying thereof is only the Means to hide and conceal it; but hiding and concealing consisteth in the keeping such Thing undiscovered, and therefore, until such Drink was discovered, it was as much and as effectually hid and concealed, as it was the first Day when it was put or laid in such private Place; and therefore such Information laid within Three Months next after such finding and discovering such Drink so hid and concealed, will be within Three Months next after the hiding and concealing thereof.

Other like Cases and Instances might here be inserted; but these which are already mentioned may be sufficient to shew that the Three Months are not in all Cases to be computed from the particular Times when Informations might have been laid; and that altho' the first Opportunities of laying such Informations have been passed by, yet where the Offences are continuing, or do consist in repeated Acts, Informations may be maintained for such Offence continued or repeated, within Three Months next before the laying such Information.

C H A P. IV.

Of the Informer, or Person in whose Name these Informations may be laid and prosecuted.

TH^{O'} by the said Acts relating to the said Duties of Excise, it is enacted, *That all Forfeitures and Penalties, &c. therein mentioned, shall be Part to the Crown, and other Part to the Discoverer or Informer;* yet it will not be proper to make the Person or Persons, who are the Finders out or Discoverers of Practices contrary to these Acts, Informer, or Informers, or to lay such Information in his or their Name or Names, lest thereby it should happen, that there may be a Want of Evidence to prove the Offence laid in such Information; for the same Person cannot be both Informer and Witness: And therefore these Informations should be laid in the Name of the Collector, or of some other Person not concerned in the discovering or finding out the Offence for which such Information is laid. But if the Collector himself happeneth to find out any Practice or Offence, for which an Information is to be laid, let such Information be laid in the Name of the Supervisor, or of some such other Person as is not concerned in such Discovery, nor is to be produced or used as a Witness, to prove the Offence mentioned in such Information, or any thing relating thereto.

C H A P.

C H A P. V.

Of the Justices Recording, or causing to be Recorded, the Time and Place of the laying Informations before them.

BY the first-mentioned Act of 12 Car. II. Cap. 24. Sect. 44. Excise-Book, Fol. 44. Justices of the Peace, &c. are authorized and strictly enjoined and required, upon any Complaint or Information made or exhibited and brought of any Forfeiture made, or Offence committed, contrary to the said Act, to summon the Party accused, and upon his Appearance or Contempt, to proceed to Examination of the Matter of Fact, &c.

By which it appeareth, That the Informer is to make the first Step, *viz.* He is to make his Complaint unto, or to exhibit his Information before Two or more Justices. But it not being said, either by this or any other of the Acts of Parliament relating to these Prosecutions, that such Complaint or Information must be in Writing; it therefore seemeth, That if an Informer make only a Paroll or Verbal Complaint and Information to Justices, such Paroll or Verbal Complaint or Information, may at first be sufficient: But in regard that whatever is afterwards done thereupon, will be and is Matter of Record; therefore not only the Matter of such Complaint or Information, but also the Time and Place when and where the same is so exhibited, must be set down in Writing, or Recorded: And such the Recording thereof, must not be expressed in

Of the Recording the Time and Place

Words referring to any Time past, as that the Informer did complain, or did exhibit his Information, or by way of Recital, in this or the like manner, *viz.* Whereas the Prosecutor did complain, or hath complained, or the like or in any other like Words, referring to any Time past; because a Record made of any thing done at a Time past, before such the Recording thereof, cannot be supposed to be so certainly true, as if what is done be recorded at the same Instant of Time when it is done. And therefore in Records regularly made, all the Proceedings are set down and expressed in Words of the Present Time and Tense: And so it is always done in the Courts of Record in *Westminster-Hall*, in Causes there depending by Original Writs. The Plaintiff's Declaration, and the Defendant's Plea, and the Plaintiff's Replication, and the Judgment of the Court, are all expressed in Words of the present Time and Tense, *viz.* The Plaintiff *doth* complain (not *did* complain); The Defendant *saith*, That he *is* not guilty, &c. (and not that the Defendant *did* say, That he *was* not guilty.) And the Judgments of the Courts are expressed thus, *viz.* Therefore it *is* considered by the Court; and not thus, *viz.* Therefore it *was* considered by the Court. But when in the Courts of *Westminster*, the serving of any Writ or Process is mentioned and recorded, that is and must be expressed in Words of a Time past; as, That the Defendant *was* summoned, or that he *was* attached, &c. Because such summoning, &c. was at a Time past, before such the Recording thereof: And in like manner, if the Proceedings in these Cases should be drawn up at full Length, and the serving the Summons, and giving Notice to the Defendant, should be fully set forth; such

such serving the Summons, and giving Notice, must be expressed in Words of a Time past, viz. *That A. B. did Summon the Defendant, and did give to the Defendant Notice, &c.* because the Service of such Summons was at a Time past before such recording thereof.

Here it may be observed, That this Recording, or making a Record of Proceedings in these Cases before Justices of the Peace, is, in Consideration of Law, the Act of the Justices, and not of the Prosecutor; for no Prosecutor is in any Court intrusted to Record his own Prosecution: But the Recording the Proceedings in all Courts, is always esteemed the Act of such Court where such Prosecution is: For when a Court of Record is created or erected, and Judges are intrusted and impowered to judge and determine upon Prosecutions there brought before them, they of consequence are impowered and required to Record what is done before them; and what they Record thereof, is esteemed so Sacred, that the Law doth not permit any Averment to be made against such their Record, because the making such Records of such Proceedings, being the Acts of the Court or Judges by and before whom they are recorded, it cannot be supposed that they will permit any thing to be recorded, but what is in all Points agreeable to Truth: But if the making such Records of such Prosecutions was permitted to be done by the Prosecutor, and if he was solely intrusted therewith, it might then be supposed, that in such Records there might be inserted what was for his Advantage, tho' the same was not true.

Since therefore the recording these Informations, and of the Time and Place of the exhibiting and laying thereof, and of the Proceedings

ings thereon, is (as before has been mentioned) the Act and Record of the Justices, and not of the Prosecutor or Informer, it will be proper that the Records thereof be expressed and set down in Words, importing them to be the Acts of the Justices.

And therefore you will find the Precedents in these Cases expressed in the following Manner, *viz. That the Informer exhibited to us A. B. and C. D. Esqs; Two of his Majesty's Justices, &c. and thereby informeth us, &c. and prayeth the Judgment of us, the said Justices, &c.* By all which it appeareth, That the Justices may, if they will, admit of a verbal Complaint or Information; but then it will be incumbent upon them to make a Record thereof, and of the Time and Place when and where such Complaint was so made; but to save them that Trouble, the Informer not only prepares his Information in Writing, but also by way of Preface thereto, makes a Memorandum of the Time and Place of the laying such his Information, leaving therein Blanks for the inserting the Names of the Justices before whom he is to lay it, and for inserting the Day, and Month, and the Town, when and where it is laid; and when those Blanks are filled up by the Direction or Consent of the Justices, then it becomes a Record made by them.

The mentioning the Name of the Town where the Information is laid, is, that it may appear, That the Prosecution was in the proper County; and therefore, tho' it may happen, that for the laying the Information, the Prosecutor may be obliged to attend one Justice in one Town, and another in another Town; it must not be mentioned, that the Information was laid at both Towns, for that would be absurd; but in such,

such, and in all these Cases, it is usual to alledge and express, that the Information is laid at the Town where the Hearing is intended to be.

CHAP. VI.

Of Summoning the Party accused, And of the Notice to be given within a Week after the Laying and Entring an Information.

THE First Act of Parliament relating to these Proceedings, directs, That the Party accused, be summoned; but doth not appoint or limit any particular Time for the making out, or for the serving of such Summons.

The Act of 1 W. & M. Cap. 24. Sect. 16. *Excise-Book, Fol. 110.* And also the Act of 12 & 13 W. III. Cap. 11. Sect. 17. *Excise-Book, Fol. 261.* do both direct, That within a Week after laying an Information, Notice thereof in Writing be given to the Person or Persons against whom such Information shall be laid, or left at their Dwelling-Houses; by which the Time for summoning and giving Notice, is now limited and appointed not to exceed a Week, next after the laying of the Information; which Week is to be computed from the Day when the Information is laid, as the same is mentioned in the Recording of the Time and Place of the laying thereof; and therefore the summoning or giving Notice to the Defendant or Party accused, should not

Of Summoning the Party accused.

not be delayed, but ought to be done soon after the exhibiting the Information.

Here it may be observed, That tho' the before-mentioned Acts differ in the wording thereof, viz. the said first mentioned Act doth require, That the Party accused, be *Summoned*; and the said two other Acts require, That *Notice shall be given* to the Person or Persons against whom such Information shall be laid or left at their Dwelling-Houses; yet the Sense and Meaning of those different Expressions, is the same; for there is no real Difference between summoning, and giving Notice. The Legal Sense and Meaning of Summoning, is giving Notice; and to Summon imports no more, than to give Notice: And tho' the first Act don't particularly say, That the Summons may be either to the Party personally, or left for him at his House; yet according to the Common Law of *England*, a Summons made at the Dwelling-House of the Person to be summoned, whilst any of the Family are there, hath always been allowed to be a sufficient Summons in Law: And by the Act of 15 *Car. II. Cap. 12. Sect. 2. Excise-Book, Fol. 81.* such leaving the Summons at the Defendant's House, with his Wife or Servant, is declared to be as sufficient, as if delivered to the Defendant himself, and by the Common Law is a sufficient Summons, 1 *Institutes, Fol. 158. B.*

Such a Summons or Notice is generally signed by the Justices at the same Time when the Information is laid, and therefore may properly be dated the same Day as the Information is exhibited. It will be sufficient in the Summons to express the Offence shortly and in general Words, without mentioning several of the Particulars, which may be proper or necessary to be expressed

Of summoning the Party accused.

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sed and set forth in the Information; the Intent of the Summons being only to give the Defendant Warning what he is prosecuted for, and is to answer to.

But it will be necessary in the Summons to mention on what particular Day, and at what particular Hour in that Day, and at what particular House or Place, the Defendant is to attend: All which ought to be fully and plainly expressed in the Summons or Notice.

After the Summons or Notice is drawn up in the manner before directed, and is signed by the Justices; then let a Copy be made thereof, and of the Justices Names thereto, and let such Copy be examined and compared with the original Summons, signed by the Justices, and be made to agree therewith; and then let such Copy be delivered to the Defendant himself, or left for him at his Dwelling-House, either with his Wife or Servant; and if so left, then let the Person with whom the same is so left, be acquainted with the Purport and Intent thereof, and let them be desired to acquaint the Defendant therewith: And if the Person who so leaves such Summons for the Defendant, either with his Wife or Servant, do afterwards, and before the Hearing, meet with the Defendant, it will be proper to ask the Defendant, If he received such Summons? or to acquaint him, that such Summons was so left for him either with his Wife or Servant, as the Fact may happen to be.

Since the leaving such Summons at the Defendant's House, with his Wife or Servant, is sufficient, let not the doing thereof be delayed, that the Defendant may not have any Pretence to complain of being surprized for want of timely Notice.

CHAP.

C H A P. VII.

Of Hearings upon Informations laid before Justices of the Peace. And of the Proof and Evidence proper to be given and produced on such Hearings.

IF at the Time and Place appointed for the Hearing and Determining the Matter of Fact contained in an Information, the Defendant doth appear, and doth voluntarily confess such Fact or Facts, Judgment must then be given upon such his Confession: But if the Defendant, though duly summoned, doth not appear at the Time and Place appointed by such Summons; or if he doth appear, and doth also plead, That he is not guilty of the Fact or Facts in such Information mentioned; then and in either of the said Cases, it will lie upon the Informer to maintain his Information by Proof and Evidence, which in this, as well as in other Cases, (according to the Course of Law) must always be upon Oath. And therefore if a Witness duly sworn, doth give Evidence, That another Person told him so and so, or that he heard another say so or so, whatever it be that such Witness so repeats, as said by another, goes for nothing, and is not to be allowed as Evidence or Proof; because it is not upon Oath (that is) tho' such Witness doth upon his Oath repeat what was so said in his Hearing, yet the Person who said that which is so repeated, was not upon Oath when he said what is so repeated; so that what is so repeated, instead of being Legal Proof or Evidence

dence, is, in truth, nothing but a repeating upon Oath what was said in common Discourse, which might not be true, not being spoken upon Oath, and therefore is not to be depended upon: Nay, though a Witness should upon his Oath repeat what another, when duly sworn at a former Trial or Hearing, had said upon his Oath, even that is not to be allowed to be given in Evidence, if the Person who originally said what is so repeated, be living at the Time when the same is so repeated; because by another Rule of Law, Evidence of a lower or meaner Degree shall not be admitted, when Evidence of an higher or better Degree may be had. But if the original Speaker of what is so repeated be living, then he might be produced to give his own Evidence, which is better and of an higher Degree than a Repetition thereof from any other Person: But a Repetition of what the Defendant himself hath been heard to say, hath been always admitted and allowed to be given in Evidence, because such Repetition is the best Evidence which can be had of what a Defendant saith; for he himself cannot be compelled to give Evidence against himself.

But you are to understand, that it will not be necessary to prove every Particular which is mentioned in the Information, in the Manner and Circumstances, or in the Degree, or Proportion, or Number of Instances, as such Particulars are or may happen to be mentioned in such Information.

For there are some Things both proper and necessary to be mentioned in Informations, of which it will not be proper to require the Witnesses to speak or depose: As in an Information for Hiding and Concealing, &c. it will be both proper and necessary to mention, That the Defendant

Defendant fraudulently, and with Intent to deceive, &c. did hide and conceal, &c. But it will not be proper or fit that the Witness in such Case should depose, or that such Witness should be required to depose, Whether such Hiding and Concealing was done fraudulently, and with Intent to deceive; for that would be to require the Witness to swear to the Intention of the Defendant, and would in Effect make the Witness a Judge of the Defendant's Intention; which is not the Province or Business of the Witness, or what either Law or Reason doth allow to, or expect from a Witness. But the Province and Business of the Witness, is truly to relate the Fact, and the Circumstances thereof, and from thence the Justices are to judge and determine both of the Offence and of the Fraud. But withal, it is to be understood, That if sufficient Testimony be given of a Fact manifestly against the Letter and Meaning of a Law, the Justices must intend and judge it to have been done fraudulently, unless the Defendant do make the contrary to appear by manifest and plain Proof.

Other Things also, which are mentioned by way of Inference or Conclusion, from Premises before alledged, are not expected to be proved. As where in an Information it is said to this or the like Effect, *viz.* Whereby his Majesty was much defrauded, &c. or the like; it is not to be expected, that Evidence should be given, or Proof made, that His Majesty was actually defrauded in the very Instance then in Dispute; because it is most likely, that the Discovery upon which such Information is brought, did in that particular Instance prevent such defrauding. But if it should be construed to be absolutely necessary in such Case, to prove such defrauding

ing, because mention thereof is made in the Information, such Construction would make it necessary to be consenting to a Fraud, in order to be capable of being a Witness to prove such Fraud. But though such Persons as are consenting to, or aiding in such Frauds, are and may be in such Cases made Use of as Witnesses, yet it is not a necessary Qualification for a Witness, that he should be a partaker in the Guilt he is to prove; for surely, an unblemished Person is (at the least) as good a Witness as one concerned in the Fraud.

There are other Things, which though they must be proved, yet it will not be necessary that they should be proved in the particular manner, and exactly according to all and every the Circumstances relating thereto, as they may happen to be expressed or mentioned in such Information; because a different Consideration and Regard ought to be had to that which is the main Thing in Question, and to such other Things as are only Collateral, or but Circumstances relating thereto.

Whatever is thus meerly circumstantial, ought not to be considered or regarded so much as that which is the Substance or Essence of the Fact or Offence in question, or (if you will) the Fact or Offence it self. And here you are to understand, That though in the mentioning in an Information the committing of any Fact or Offence, the Time and Place of committing thereof, is usually expressed to have been done on such a particular Day, and at such a particular Place, mentioned in such Information; yet these, viz. the particular Day or Place so mentioned (generally speaking) are only circumstantial, and consequently not necessary to be proved ex-

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actly as they may happen to be mentioned in such Information.

And, first, as to the particular Day on which an Offence is alledged or mentioned to have been committed, it is a General Rule, That such particular Day, so mentioned, is not material (that is) if an Offence be committed, it will not (generally speaking) be material, whether it was committed on the First, Fifth or Tenth Day of this or that Month, or indeed on what particular Day in such Month it was done, nor whether it was on *Monday* or *Wednesday*, or on what other Day of the Week (that is) the committing such Offence on the one Day of the Month, or on another; or on the one Day of a Week, or on another, doth not any way aggravate or lessen such Offence; and so far the particular Day may truly be said not to be material.

But yet in Cases where the Witnesses have proved the Fact or Offence to have been committed on some other Day, different from the particular Day mentioned in the Information, or could not be positive on what particular Day the Offence was committed, it hath been objected, That such Proof was not sufficient to maintain such Information; and that therefore the Defendant ought, in such Case to be acquitted; and the rather, because otherwise Defendants would be under great Hardships, and would often be surprized and prevented in making such Defence as they might have done, if the right Day had been mentioned in the Information. But notwithstanding such Objections, yet if such other Day be within Three Months next before laying such Information, the Judgment in such Case ought to be for the Informer;
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for the mentioning in an Information, that an Offence was committed on such a particular Day, is only to comply with the Forms required by Law in such Proceedings: But it never was intended, that the Prosecutor should thereby be tied down and obliged to prove the Offence committed on that particular Day, or that otherwise the Defendant should be acquitted; that would be shewing a greater regard to a bare Circumstance than to the Thing it self.

Besides, the known Course and Practice at all Tryals, at the Assizes and Sessions, and elsewhere, being directly contrary, it cannot be supposed that any Defendant can be so misguided, as to fancy he is to defend himself as to such particular Day only, or that any Defendant can by such Mistake be induced to neglect preparing to make all the Defence he can: But it in any Case it should so happen, yet it will not be just or fit that the settled Course and Practice in such Cases should be altered, to comply with the Mistake of such particular Defendant, especially since such Mistake (if ever it should happen) may be better helped another way, *viz.* If when a Prosecutor has proved an Offence committed, on a Day different from the Day mentioned in the Information, the Defendant in such Case really hath any good Proof to contradict or answer the Prosecutor's Proof, but hath not his Witnesses then ready, it will be in the Power of the Justices, in such Case, to allow and appoint some farther Day for the hearing those Witnesses; and if the Justices, in such Case, do allow such farther Time, that will fully answer all pretence of being surprized. But if, on the other hand, Defendants are to be acquit-

ted in all Cases where the Prosecutors do not prove the Offence to have been committed on the particular Day mentioned in the Information, the Difficulties upon Prosecutors will be insuperable.

For it should be considered, That Prosecutors are not allowed to be Witnesses for themselves, but must by other Witnesses prove the Facts on which they ground their Prosecutions; and in many Cases it is not in the Power of the Prosecutors, or of such Witnesses, to remember exactly the particular Day when a Fact or Offence was done or committed, so as to be able to be positive that it was done on such a particular Day of the Month, for all Persons (especially ordinary labouring Men in the Country) don't keep their Accounts of Time by the Names of the Calendar Months; but some reckon from the Seasons of the Year, as Spring and Fall, &c. others from the Seasons of Husbandry, as the different Seed-times or Harvest-times; and others by Country-Wakes and Fairs, and thereby can ascertain the Times they speak of, as well as if they named the particular Month and Day in that Month: But if none were to be admitted for Witnesses, but such as speak to particular Days in this or that Month, great part of the labouring People in the Countries would be rendered incapable of proving the Truth, which surely cannot be thought agreeable to any Course or Method of Justice; but on the contrary would manifestly tend to the preventing and obstructing the attaining of Justice, as will appear by the following Instances.

Suppose that an Action being brought for Money lent, the Plaintiff (to comply with the Form required by Law) doth in his Declaration
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alledge, that the Money was lent on some particular Day expressed in such his Declaration; and suppose that upon the Defendant's pleading to such Declaration, the Cause cometh to a Tryal, where the Plaintiff's Witnesses fully prove the lending the Money; but when they are asked whether they can positively say, it was lent on the particular Day mentioned in such Declaration, they cannot say it was: Or suppose they (as the Truth may very well be) do own that they do not remember on what particular Day the Money was lent, but that it was about such a time: Nay, suppose yet further, That in such a Case the Witnesses do all particularly remember, that the Money was lent on some other particular Day, quite different from the Day mentioned in the Declaration, can any one in his own Reason think, that in any of these Cases it would be agreeable to common Justice, to acquit the Defendant of that Action; or that the Plaintiff should be obliged to become Non-suit in that Cause, and be put to the Charge and Trouble of bringing a new Action? Surely it must in such Case be thought much more agreeable to Reason and Justice, that the mentioning in the Declaration a particular Day (as to the Justice of the Matter in Question) should be looked upon as Matter of Form, and meerly as a Circumstance not of any Consequence, or material, as to the Right or Justice of the Matter in Question; for whether the Money was lent on the very Day mentioned in the Declaration, or on some other Day, yet still if it was really lent, it ought to be repaid; and tho' in such Case, the mentioning in such Declaration a particular Day may be, and is agreeable to the Forms of Law, yet the confining and tying

ted in all Cases where the Prosecutors do not prove the Offence to have been committed on the particular Day mentioned in the Information, the Difficulties upon Prosecutors will be insuperable.

For it should be considered, That Prosecutors are not allowed to be Witnesses for themselves, but must by other Witnesses prove the Facts on which they ground their Prosecutions; and in many Cases it is not in the Power of the Prosecutors, or of such Witnesses, to remember exactly the particular Day when a Fact or Offence was done or committed, so as to be able to be positive that it was done on such a particular Day of the Month, for all Persons (especially ordinary labouring Men in the Country) don't keep their Accounts of Time by the Names of the Calendar Months; but some reckon from the Seasons of the Year, as Spring and Fall, &c. others from the Seasons of Husbandry, as the different Seed-times or Harvest-times; and others by Country-Wakes and Fairs, and thereby can ascertain the Times they speak of, as well as if they named the particular Month and Day in that Month: But if none were to be admitted for Witnesses, but such as speak to particular Days in this or that Month, great part of the labouring People in the Countries would be rendered incapable of proving the Truth, which surely cannot be thought agreeable to any Course or Method of Justice; but on the contrary would manifestly tend to the preventing and obstructing the attaining of Justice, as will appear by the following Instances.

Suppose that an Action being brought for Money lent, the Plaintiff (to comply with the Form required by Law) doth in his Declaration
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alledge, that the Money was lent on some particular Day expressed in such his Declaration; and suppose that upon the Defendant's pleading to such Declaration, the Cause cometh to a Tryal, where the Plaintiff's Witnesses fully prove the lending the Money; but when they are asked whether they can positively say, it was lent on the particular Day mentioned in such Declaration, they cannot say it was: Or suppose they (as the Truth may very well be) do own that they do not remember on what particular Day the Money was lent, but that it was about such a time: Nay, suppose yet further, That in such a Case the Witnesses do all particularly remember, that the Money was lent on some other particular Day, quite different from the Day mentioned in the Declaration, can any one in his own Reason think, that in any of these Cases it would be agreeable to common Justice, to acquit the Defendant of that Action; or that the Plaintiff should be obliged to become Non-suit in that Cause, and be put to the Charge and Trouble of bringing a new Action? Surely it must in such Case be thought much more agreeable to Reason and Justice, that the mentioning in the Declaration a particular Day (as to the Justice of the Matter in Question) should be looked upon as Matter of Form, and meerly as a Circumstance not of any Consequence, or material, as to the Right or Justice of the Matter in Question; for whether the Money was lent on the very Day mentioned in the Declaration, or on some other Day, yet still if it was really lent, it ought to be repaid; and tho' in such Case, the mentioning in such Declaration a particular Day may be, and is agreeable to the Forms of Law, yet the confining and tying

down a Plaintiff in such Case to such particular Proof, would not be agreeable to Right or Justice, but would manifestly tend to the preventing and hindering the obtaining Justice in such Case.

But it may be said, That tho' Plaintiffs may well be allowed to prove their Debts on some other Day, different from the particular Day mentioned in their Declarations, in Actions and Suits for just Debts or on Contracts, yet there is a great difference between such Actions, and Informations on Penal Laws; and that therefore a Distinction ought to be made between the one and the other, and the one ought to be favoured more than the other, and the like, &c.

If indeed not holding and obliging such Plaintiff to an exact Proof on the particular Day mentioned in such Declaration were Matter of Favour only, there would then be Reason for making such Distinction: But if instead of being a Favour, it is in Truth nothing more than down-right Justice, then there will be no Reason for making such Distinction.

It will not be denied, but that common Justice doth require, That all Disputes and Matters in Difference arising, as well upon Prosecutions on penal Laws, as in private Actions, should not only be adjudged and determined, but should be adjudged and determined so, and in such manner, that a final End and Conclusion be made thereof, and so as that there may not remain any Ground or Pretence ever to bring that particular Matter in dispute again; and such Determination will surely be more for the Honour of the Judges in such Cases, and for the Benefit of the Parties, than such a Determination or Adjudication, as only
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determines the present Prosecution or Suit, and doth not at all determine the Matter in question, but on the contrary, leaves that in the very same Condition it was before, and altogether undetermined as to the Merits thereof; so that there remains the very same Reasons and Motives for the Parties to vex and harraſs one another with fresh Prosecutions and Suits as there was at first. Certainly, ſuch a Determination as this, is but a very imperfect Instance of the Execution of Juſtice, and is what ſhould be rather avoided than coveted.

But if the Law ſhould be apprehended to be, that though the Proſecutor or Plaintiff doth fully prove that which is the Ground and Foundation of his Proſecution; yet if becauſe his Witneſſes do prove the Fact or Offence to have been committed on ſome other Day, different from the particular Day mentioned in his Information or Declaration; the Judgment muſt in ſuch Caſe be given againſt him for no other Reaſon, than merely on account of the Difference in the Days: Such Determination and Judgment will leave the Proſecutor at Liberty to begin a new Proſecution, and to lay a ſecond Information for the very ſame Fact and Offence. And if in ſuch his ſecond Information, he takes care to have the right Day mentioned, and if his Witneſs do fully prove the Fact to have been done on that Day; he then muſt and will recover upon ſuch his ſecond Information, that which might have been recovered upon his firſt. But would this Method be for the Advancement of Juſtice, or for the Benefit of either of the contending Parties, the Proſecutor will have had the Trouble of Two ſeveral Proſecutions, when one would have ſerved, and the Defendant will have had

the Trouble of twice defending that, which might have been determined at once; and at the End of these Two Prosecutions, there is the same Judgment against him, as might have been upon the first. But upon the whole Matter, can this be thought to have been any Ease or Convenience even to the Defendant?

Oh! but when he was acquitted upon the first Prosecution, there was a Chance, at least, that the Prosecutor might not have commenced a second Prosecution; or, as it may happen, the Time of committing the Offence, may then be so far elapsed, that it may be too late to lay any new Information. In either of which Cases, an Acquittal would have proved Final; and therefore, since both in the one Case, and in the other, the holding Prosecutors strictly to prove Facts and Offences on the very particular Days mentioned in Informations, may accidentally baffle and discourage a just Prosecution, and may consequently be the Occasion or Means whereby Persons really guilty, may escape due Punishment; therefore all Prosecutors ought to be held strictly to prove Facts and Offences to have been done on the particuler Days in their Informations. But surely this, or the like, is too grossly partial in Favour of Defendants, to be laid or done by Justices, who being in these Cases Judges, are not so to behave, as may be most conducive to the Acquitting all Defendants, or as may put all Difficulties and Discouragements upon Prosecutors; but are to act indifferently and impartially between the one and the other, and to be as ready to convict, upon plain and sufficient Proof, as to acquit for want thereof.

It is hoped that by what has been already said, it doth appear, That the allowing the proving of Offences on Days or at Times different from the particular Days mentioned in Informations, is not Matter of Favour, but is the Way and Means to do Justice between the Parties; since, on the other hand, the confining and holding Prosecutors to prove Facts and Offences to have been done on the particular Days mentioned in Informations, instead of being conducive to the giving such Judgment as may be final and conclusive, is the ready way to lay Foundations for new Prosecutions; and that instead of being the Means or Way to judge and determine according to the true Merits and Justice of the matter in question; it plainly appears to tend directly to the Obstruction of Justice, and can at best serve only to prevent the arriving at that which is the real Truth and Justice of the Matters in Question; it is therefore supposed that it will not be thought agreeable either to Law or Justice, to hold or oblige Prosecutors strictly to prove Facts or Offences to have been done or committed on the particular Days mentioned in Informations.

But if any who are acquainted with the Law-Books should yet think the particular Day mentioned in an Information to be material, let them look the following Books, viz. *Lord Coke's 2d. Institutes*, Fol. 318, 319. And his *3d. Institutes*, Fol. 230. And *Lord Hales's Pleas of the Crown*, Title *Evidence*, Fol. 264. where they will find, that even in Indictments, the particular Day is not material. And in *Brooks's Abridgment*, Title *Four & jour en Court Placito* 39; and Title *Travers Placito* 54, and 134; and Title *Trespas Placito* 106, 191. In all which Places they

they will find that a particular Day mentioned in a Declaration or the like, is not material.

But though a particular Day is not material, yet a particular Time in many Cases is and will be very material; and to shew the Difference between a particular Day and a particular Time, take the following Instance, *viz.* The Owner of Cattle, which have trespassed in his Neighbours Lands, doth afterwards make Satisfaction to the Owner of the Land for such Trespass; but notwithstanding such Satisfaction, such Owner of the Land brings his Action for the Trespass; those who are Witnesses both of the Trespass and of the Satisfaction, may not perhaps remember the particular Day on which such Trespass was done, or the particular Day on which the Satisfaction was made; and yet they may well remember, and may be very certain and positive that the Satisfaction was made at a time after the Time when the Trespass was committed; and if so, there is an end of that Action: And thus you will see the Difference between a particular Day and a particular Time.

The Time material in Prosecutions, before Justices of the Peace, for Offences against the Laws of Excise, is the Three Months next before the laying or exhibiting the Information; for it hath already been observed, That no Information for any false or mis-entry, or the like, may be prosecuted before Justices of the Peace, unless the same be exhibited within such Three Months: But by what is already said, it is most plain, that tho' a Witness may not be positive to a particular Day within the three Months, yet he may be positive and clear that the Offence was committed within such particular Time, *viz.* Within such Three Months; and if so, then
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the particular Day will not be material; but if such Witness is not certain that the Offence was committed within Three Months next before the laying such Information, such Evidence will not be sufficient.

The Proof as to some Things mentioned in some Informations, ought to be more particular than what is mentioned in such Informations: As in Informations for not making true Entries of Beer and Ale brewed, or of Low-Wines or Spirits distilled, or of Malt or Candles, or other Manufactures made, it will not be necessary to mention, that such a Quantity or Number of Barrels were brewed, or that such a Quantity or Number of Gallons of Low-Wines and Spirits were distilled, or that so many Bushels of Malt, or so many Pounds of Candles were made, &c. But it will be sufficient to mention, That the Defendant, being a Common Brewer, brewed Strong Beer and Small Beer, or Ale and Small Beer; or that being a Common Distiller, he distilled Low-Wines and Spirits; or that he made Malt or Candles, &c. without expressing in the Information any Quantity, because the Forfeiture is not in such Cases more or less, according, or in Proportion to the Quantity; but the Forfeiture for not making a true Entry, is the same Sum for a small as for a greater Quantity; and therefore it would be to no Purpose, in such Information, to insert unnecessary Particulars; but yet at the Hearing, Proof ought to be made that some of the said Liquors or Manufactures were made, but the exact Quantity will not be material.

It is also the like in Informations, for not giving Notice of Vessels, Utensils, Rooms and Places, made use of for the making or keeping Liquors

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or Manufactures chargeable with these Duties; for he who without giving due Notice, useth such Vessels, Utensils or Rooms, for a small Quantity, doth thereby incur the same Forfeiture, as he who so useth such Vessels, Utensils or Rooms, for a greater Quantity: For it is not the greatness of the Quantity which makes the Offence or Forfeiture in either of the said Cases; but the not making an Entry in the one Case, and the not giving Notice in the other, are the Offences which make the Forfeitures in each of the said respective Cases.

But the Forfeiture for not paying the Duties, being double the Value of the Duties neglected to be paid, the Proportion of all Forfeitures, in those Cases, doth entirely depend upon the Proportions or Quantities of the Liquors or Manufactures. And therefore it will be necessary in all Informations of those Kinds, to mention some certain Quantity or Quantities: As, that the Defendant brewed so many Barrels of Strong Beer, and so many of Small; or made so many Bushels of Malt; or so many Pounds of Candles, or the like, so as to suit with the Case. But yet this does not make it necessary that the Informer must in such a Case be tied, or obliged to prove the whole Quantity mentioned in such Information; but if he prove but any part thereof, such Proof of any part of the Quantity mentioned in the Information, will be sufficient to maintain such Information as to so much as is so proved; as if in an Information, it should be mentioned, that the Defendant in such a Time made one Thousand Bushels of Malt; and not having paid the Duty thereof, had thereby forfeited double the Value of the Duty of the said One Thousand Bushels; and if upon the Hearing,

ing, the Informer should prove the making but of one Hundred Bushels only, the Justices must give Judgment for the double Duty of such One Hundred Bushels, and must acquit the Defendant of the rest.

And so where-ever the Forfeiture is in Proportion to any certain Quantity, some certain Quantity must be mentioned in all such Informations; as in Informations against Malsters for mixing, for treading or for hiding and concealing; in all which Cases the Forfeitures being at and after the Rate of so much *per* Bushel; it will be necessary in all those Informations to mention, that some certain Number of Bushels were so mixed, trodden, hidden, or concealed; but notwithstanding such mentioning such certain Number of Bushels in any of the said Cases; yet, if at the Hearing or Tryal, Proof be made of some Part only of the Number of Bushels mentioned in such Information, yet such proving of such part only will be sufficient to maintain such Information as to such Part as is so proved; and the Justices in such Case ought to give Judgment as to so much as is so proved, and to acquit the Defendant of the rest; for an Information for more than is proved, is a good Information as to so much as is so proved.

In Informations for not making true Entries, or for the double Duty, it is usual to mention that the Defendant, at several times between such a Day and such a Day, brewed Beer, or made Malt, or the like; but if at the Tryal or Hearing, Proof be made of one brewing only, or of one making of Malt only, such Proof will be sufficient, and if in such case the Defendant doth not prove an Entry or Payment, the Informer ought to recover; because whether there
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be several brewings or makings of Malt, or but one in each of the said respective Cases, will make no Difference; for in such Cases the Defendant is equally obliged to make Entry, and to pay the Duty of such one brewing, or of such one making, as if there had been several brewings, or several makings; and an Information which mentions more brewings, or makings, than are proved, yet is a good Information as to what is proved; and tho' one only is proved, there might really be more, so that the Information might be rightly laid.

Sometimes one Information is laid for several Offences of different Natures; as for hiding one Parcel of Malt, and for mixing another Parcel of Malt: If at the Hearing such Information one of these Offences is proved, and the other not proved, in such Cases the Justices ought to give Judgment for the Informer, as to the Offence which is so proved, and to acquit the Defendant of the other.

One Information may likewise be laid for several Instances of an Offence of the same Nature; as for refusing at several times to permit an Officer to enter into a Malt-house, &c. in which Case the Information is for so many times Twenty Pounds, as the Instances of such refusing mentioned in such Information do amount unto: But if at the Hearing, Proof be made of one Instance only, such Proof will be sufficient to maintain such Information, as to such one Instance; and in such Case the Justices ought to give Judgment for the Prosecutor, as to such one Instance, and to acquit the Defendant of the rest.

It is often objected against a Witness, That what he says is out of Spite or Malice, arising from

from some late Quarrel, &c. But tho' such Quarrel may accidentally be the Occasion of such Witness his discovering what he knows, yet that don't destroy the Credit of his Testimony; for tho' the Quarrel may indeed provoke him to tell what he would not have told, if such Quarrel had not happened, yet it doth not follow, that the Quarrel doth provoke him to tell more than he knows to be true; and if he doth not, then the Quarrel ought not to invalidate the Credit of his Testimony; and therefore all Evidence, occasioned by Malice, ought not to be rejected: But if by Malice any are provoked to say more than is true, that indeed ought to be rejected.

The Matters in Question, on these Informations, generally lie in a narrow Compass, and might soon be determined, if both Parties would speak only to that which is the Fact really in Question: But in these and other Cases it often happens, that the debating of that which really doth not concern the Matter in Question, takes up more Time than is spent about the Matter it self; to prevent which, the Prosecutor, and such as are on his side, should take Care to avoid saying any Thing that may give Occasion for such Discourse as doth not relate to the Point in Question, and particularly should avoid all manner of Reflection; and if any Reflections be made on him, should pass them by (at least) till the Hearing is over; for such Defendants as are Guilty (especially if Old Offenders) and others concerned for them, will gladly take (or rather than fail will make) Occasions to say a great deal, tho' but little, or perhaps none of it is to the Purpose.

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For when they know that the Point in Question is against them, it is not safe for them to run directly upon it; nor is it their Business, by their Discourse, to come near it, or to suffer any Body else so to do, but rather to engage upon some Subject not at all material to the Fact in Question; and if that be managed with some Warmth, it will very probably introduce a fresh Subject of Discourse before the first is ended; and by that Means it may happen, that the Fact in Question may never be rightly understood: To prevent which, avoid entering into such Disputes about any Thing that is not the Point in Question; and tho' you have something to say, which you may think very sharp and cutting, yet if it is not directly to the Point, keep it to your self; for the Defendant will answer to that more willingly, than he will to the Matter itself, if that be against him.

Tho' in the Recording of these Informations it is mentioned, That the Informer in his proper Person exhibited to the Justices his Information, &c. this doth not make it necessary that the Informer should be personally present; for if the Justices are satisfied, that the Informer so named doth own the Prosecution, that is sufficient for them to proceed thereon, and is agreeable to what is daily done in like Cases in the Court of *Exchequer*, and other Courts of *Westminster*, where Informations are exhibited in the like Form, and are carried on in the Names of Persons who very rarely are personally present in those Courts when those Causes are there determined; the mentioning that the Informer in his proper Person exhibited his Information, being only a Form used to distinguish these from
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other Prosecutions, where the Party prosecutes by his Attorney. It may, and often doth happen, that during the Times of the Circuits, several Informations, brought in the Name of the Attorney-General, are at the very same time trying in several Counties remote from one another; so that it would be impossible for the Attorney-General to be personally present at all of them; but instead thereof he is not personally present at any one of them.

In some of the Clauses in these Acts, several Words and Expressions are used, to shew and describe the several Methods or Means used in committing particular Frauds; and in all, or most of the said Clauses, such Words or Expressions are used dis-junctively; as in the Clause in the Malt-Act against Treading, &c. the Words are, *That if any Maltster, &c. shall Tread, Ram, or otherwise force together, any Corn, &c. he shall forfeit Two Shillings and Six Pence for every Bushel so trodden, rammed, or forced, &c.* But you are to observe, that in Prosecutions on that Clause, or any other like Clause so worded, the Prosecutor, in his Information, must insert the Word (*and*) instead of the Word (*or*) and tho' thereby his Information will, in that Particular, vary and differ from the Words of such Act of Parliament, yet such Information will be right and as it should be; but if in such Case the Information should be exactly according to the Words of such Act of Parliament, viz. *That the Defendant did tread, ram (or) otherwise force together the Corn, &c.* It might be objected, That such Information is not sufficient, because it doth not positively charge that the Offence was committed by all, or by which of the said Ways or Methods; and therefore to prevent such Objection,

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and that the Prosecutor may be at Liberty to prove the Offence done by any of the said Methods, the best Way will be, in such Information, to insert the Word (*and*) instead of (*or*) charging in and by such Information, That the Defendant did Tread, Ram, and force together the Corn, &c. and thereby such Information will be as positive, as if it had mentioned the Offence to have been committed by only one of the said Methods; for where the Nature of the Offence is such, that it may in part be committed by Two, Three or more several Methods or Means, it is as positive to say, it was committed by each of those particular Methods, as to say it was committed by any one of them only.

But notwithstanding such Information doth mention such Offence to have been done by all the said Ways, yet if at the Hearing it is proved to have been done by any one of the said Methods, such Proof will be sufficient to maintain such Information. For the said Clause being in the Disjunctive, and the said Act of Parliament having laid the Penalty upon the committing the said Offence, by any one of the said Methods, the proving it to have been committed by any one of them, will be as effectual as proving it to have been done by all of them.

Nor will it be a good Objection in such Case to say, That in regard the Proof is only of the committing such Offence by one of the said Methods only, that therefore the Information ought particularly to have mentioned such one Method only: For the Truth may be, that the Offence was really committed by every and each of the said Methods, and the committing thereof by each of the said different Methods, might

Of Proofs at such Hearings.

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might be seen by a different Witness, viz. one might see the Defendant tread the Corn, another might see him ram it, and a third might see it forced together by some other Method; and if so, the Informer will have Reason for laying the Information for committing such Offence by each of the said Methods; and yet it may happen, that Two of the Witnesses may fail, and not attend at the Hearing; and if in such Case one only of the Witnesses doth attend, the Informer will in such Case be able to prove the committing such Offence, by such one Method only as was seen by such Witness as shall so attend; but yet it would be most unreasonable, that the Informer should in such Case be confined to lay his Information for the committing such Offence by any one of the said Methods only, and such confining an Informer would be an Obstruction to the Course of Justice.

For if he should lay his Information only for ramming the Corn, and if the Witness who see it rammed should not attend, and the other Witnesses who see the Corn trodden and forced together by some other Method, should attend, and prove it so trodden, it may make a Doubt whether proving it to have been trodden would maintain such Information so particularly laid for ramming only; and therefore, as before is said, the best Way is, to lay it to have been done by all the Ways mentioned in such Act; and then let the Informer prove it by which of the Ways he can; for tho' the Law requires Certainty in such Informations, yet it doth not require such Particularity as may prevent the proving and coming at the Truth: But in other

Cases alloweth such Latitude as is before mentioned.

In all Actions of Assault and Battery, &c. the Plaintiff declares, That the Defendant did assault, beat, wound, and evilly treat the Plaintiff, and committed other Enormities, &c. But this doth not make it necessary for a Plaintiff to prove all the said Particulars; but on the contrary, the constant Course is, That if the Plaintiff prove only the Assault, the Defendant is found guilty of the Assault, or if the Assault and Battery is proved, then the Defendant is found guilty of the Assault and Battery; and tho' the Wounding is not proved, yet such Proof as before is mentioned is sufficient to maintain the Action: And so in other Cases, if any such Part of a Declaration as is sufficient to maintain an Action be proved, the Plaintiff ought to have a Verdict for such Part as is so proved, as well as if he had brought his Action for such Part only.

C H A P. VIII.

In what Time, and how soon Justices of the Peace may give Judgment in Prosecutions before them, upon these Laws.

TH O' the before-mentioned Acts of Parliament have limited the Time for commencing these Prosecutions, and laying Informations in these Cases, not to exceed Three Months, to be

be computed from the Time when the Forfeiture was made, or to the Offence committed; and that within one Week, next after the Laying such Information the Defendant should have Notice thereof: Yet neither by those nor by any other of the Acts is there any Direction given, how long before the Time of Hearing such Notice shall be given, nor how soon after such Laying such Information the Hearing and Determination thereupon may be, which being thus left at large, and the End and Design of some of these Prosecutions being different from others, Defendants in some of these Prosecutions may be allowed longer Time than is absolutely necessary; in others, (that is) where the End and Design of the Prosecution is only to reform and correct irregular Practices, these Proceedings may be more deliberate, that the Persons so prosecuted may not have any Pretence to complain of their not having had convenient Time to prepare for their Defence: But where the End and Design of the Prosecution is only to secure Money actually due to the Crown, which is in great Danger of being absolutely lost, if the Prosecution be any way delayed; there the Proceedings ought to be with as much Expedition as the Rules of the Law will admit; and to know how soon in these Cases that may be, it will be proper to review the Words of the said first mentioned Acts of Parliament, whereby the Justices of the Peace are constituted Judges in these Matters; which Words (as before is mentioned) are, *That all Forfeitures and Offences made and committed within any other Counties, Cities, &c. shall be heard and determined by any two or more Justices of the Peace, &c.* by which Words (*heard and determined*) the Justices of the Peace being in these Cases constituted

Judges of Oyer and Terminer; it seemeth, That they as such, may in Cases of absolute Necessity do all in one Day. For in Lord Cook's 4th Institutes, in the Chapter about Justices of Oyer and Terminer, Fol. 164. it is laid, That Justices of Oyer and Terminer may inquire one Day, and may determine the same Day; where are cited several Cases, of Persons that were indicted, tryed, and condemned all on the same Day: And it is there farther said, That Justices of the Peace are special Justices of Oyer and Terminer, and may inquire and try the same Day. However, since such very hasty Prosecutions in civil Causes are not usual, and since Distinction may be made between civil and criminal Prosecutions, it will not be convenient thus to hurry on even these Prosecutions for Arrears; but when Persons are slow and dilatory in paying their Duties, Informations may be laid in Time. so as timely Notice may be given, and convenient Time may be allowed for the Hearing thereof, which will be much better than such hasty Proceedings: But in Cases of absolute Necessity, it seemeth, that such speedy Proceedings may be justified.

C H A P. IX.

Of JUDGMENTS; viz. How and in what manner Entries of such Judgments are to be made.

JUSTICES of the Peace being by the before-mentioned Clause in the Act of 12. Car. II. Cap. 24. Sect. 44. Excise-Book, Fol. 43, &

44, &c. to hear and determine Forfeitures and Offences in that Act, and in order thereto to summon the Party accused; there are in that Clause these Words, viz. *And upon his Appearance or Contempt, to proceed to Examination of the Matter of Fact, and upon due Proof made thereof, either by the voluntary Confession of the Party, or by the Oath of one or more credible Witnesses to give Judgment or Sentence according as in and by this Act is ordained and directed.*

If at the Time and Place appointed by the Justices for the Hearing, the Defendant doth appear, and the Information being then read unto him, or he being acquainted with the Purport or Contents thereof, he thereupon doth confess the Fact or Offence mentioned in the Information to be true, the Justices must then give Judgment against him, and it will not in such Cases be necessary to examine any Witness or Witnesses to prove what the Defendant hath so confessed; but yet in Cases where the Justices think fit to mitigate the Penalty, it will be proper for them to hear from the Witnesses some Account of the Fact, and of the Defendant's Behaviour, which may guide them in the proportioning such their Mitigation.

In Cases where the Defendant doth not appear, Proof ought to be made; First, of the Defendant's having been duly summoned; and Secondly, of the Offence mentioned in the Information: For though such his not appearing is the Contempt mentioned and intended by the before-mentioned Clause, and may be taken as a strong Inducement to believe him guilty of the Offence in the Information; yet by the express Words of the before-mentioned Clause, the Fact or Offence must be proved, either by the De-

fendant's voluntary Confession, or by the Oath of some Witness or Witnesses; and therefore though the Defendant doth not appear, yet Proof ought to be made before the Justices give Judgment.

In Cases where the Defendant doth appear, but doth not confess the Fact or Offence, the Information should be read to him, or he should be acquainted with the Purport or Effect thereof, and should then be asked whether he is, or is not guilty of the Fact and Offence mentioned in the Information; and if he saith he is not guilty thereof, or denieth the Information to be true, then it will lye upon the Informer to prove the Fact and Offence in the Information by some Witness or Witnesses. The Manner how such Proof ought to be made, and what ought to be deemed sufficient Proof, hath already been shewed in the foregoing Chapter, about Hearings.

There being these Three different Ways whereby Judgment may be given in these Cases, it will be proper, that in the entring and recording of such Judgments, Mention be made, whether the Defendant did voluntarily confess the Offence, or whether he was in Contempt, or whether he did Appear and Plead.

If the Proceedings in these Cases were to be returned upon a *Certiorari*, or were to be pleaded, especially to any Action brought against such Person as should execute a Warrant granted by Justices on such Judgment; it would be necessary, in returns to such *Certiorari's*, and in such special Pleadings, to set forth an Account of the Time when the Summons was granted, and to whom it was directed, and also an Account of the Time when, and of the Person by whom

whom it was served; and it would be then also necessary to set forth some other Particulars before the Entering up of the Judgment: But it will not be necessary that all these Particulars should be drawn up and entred fully and at length before the granting or executing of Warrants, upon such Judgments so to be given by Justices of the Peace; for if the Justices only set down shortly, that the Defendant doth voluntarily confess the Fact and Offence mentioned in the Information, and that thereupon they give Judgment for the Informer, according to the Contents of the Information, or that the Defendant doth not appear, and that he having been duly summoned, and the Offence being fully proved, they thereupon give Judgment according to the Contents of the Information, or that the Defendant doth appear and plead to the Information, and that upon sufficient Proof duly made before them of the Offence mentioned in the Information, they do give Judgment according to the Contents of the Information, such Entry indorsed or written on the Back of the Information by the Justices, or by their Order, and signed by them with their Names in the manner before-mentioned, or to that Effect, will be a good Judgment, and will be sufficient to justify and maintain the granting and executing of a Warrant upon such Judgment, because the like is allowed and daily practised, and used in all the Courts of *Westminster*, and in all other Courts of Common-Law in the Kingdom.

For when a Final Judgment is given in any of the Courts of *Westminster*, the Officer enters down only the Day, Month and Year when such Judgment is given, and the Costs ordered on the giving such Judgment; the making of which Entry

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is there called, The Signing of the Judgment: And immediately upon such signing such Judgment, Execution is thereupon forthwith made out and executed; though perhaps several Particulars of the Proceedings in such Cause, previous to such Judgment, and the Judgment it self is not actually entred on Record in full Form, until Six Months, and sometimes longer, after the Execution is so sued out and executed. The Reason why this is, and always was justifiable, is, Because the Judgment takes Effect, and is to all Intents and Purposes, a complete Judgment in Law, from the Time when it is given by the Court, viz. when 'tis signed by the proper Officer appointed for that Purpose.

More Executions are thus sued out and executed, before the Judgments are actually entred on Record, than are sued out after the same are so entred.

And, in like manner, upon Tryals in Criminal Prosecutions, after reading the Indictment to the Prisoner, he is asked, Whether he is Guilty, or not? If he answers, Not Guilty, then he is asked, How he will be tryed? And if he answers, according to the usual Form, By God and the Country, the Officer of the Court then indorseth on the Back of the Indictment thus, viz. *Po: se*, or *Ponit se*, which hath always been allowed to be a sufficient Recording, that such a Prisoner pleadeth Not Guilty, and putteth himself upon his Tryal. And if after this, the Jury find such Prisoner Guilty, then the Officer of the Court indorseth on the Back of the Indictment, *Gul* or *Culpabilis*, signifying, that the Jury find him Guilty, and do convict him of the Crime in the Indictment; and if afterwards Judgment is given against him to be Hanged, the Officer
upon

Judgments may be Entred.

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upon giving such Judgment, indorseth thus, viz. *Susp' per Coll' or Suspendatur per Collum*; and according to the constant and antient Usage and Practice in these Cases, Entries made in the before-mentioned Words and Abbreviations of Words, have been always allowed a sufficient Recording of the Defendant's pleading to such Indictment, and of his being convicted, and of the Judgment given against him; and upon such Entries so made in such short manner as aforesaid, Warrants are made out for the Executing such Malefactors, without waiting until the Pleas, Verdicts and Judgments are drawn up and entred in full Form.

Since therefore the Method and Practice of the Law, both in Civil and Criminal Prosecutions, allow the using such Brevity in the first Recording those Proceedings, the like Brevity may very well be allowed to be used in these summary Proceedings; and Judgments in these Cases, entred in the manner before-mentioned, or to the like Effect, ought to be deemed good Judgments, and sufficient to justify and maintain the making out and executing of Warrants for the levying of such Sums of Money for which such Judgments shall be given.

It hath before been mentioned, That whatever is thus to be recorded by the Justices, or by their Order, ought to be expressed in Words of the Present Time and Tense; but that doth not make it necessary, nor is it indeed practicable, that all that is to be so entred, should actually be entred at the Instant of Time when a Court, or when Justices give such Judgment; for such entring the Whole at that Time, would hinder the Dispatch of Business, and delay the Hearing of Causes; and therefore may be done at any convenient

convenient Time after: And if what is so entred at such convenient Time after, be agreeable with, and according to such short Minutes or Notes, as are then taken by the Order of such Court or Justices; it is, and ought to be looked upon, and will be as authentick, as if it had been entred at the Instant of Time when such Order was made, or Judgment was given.

In Courts of Equity, the Register takes only short Minutes of the Orders and Decrees made in those Courts which afterwards, at more convenient Times, are drawn up and entred much more fully and at large; and therefore, if after such short Minutes taken of Judgments in these Cases, there should be Occasion to have the Proceedings in these Cases, drawn up more fully and at large, than are contained in such short Notes or Minutes; yet if such fuller and larger Accounts of such Proceedings, and of the Judgments thereupon, contain nothing but what was really and in Fact done, and are conformable to, and agreeable with such short Notes so taken at the Times of such Hearings, the Justices ought not to scruple the setting their Hands to such Judgments so drawn up and entred at full Length and in full Form.

The Justices, when they take Recognizances for the appearing of Persons either at the Affizes, or Sessions, do not, at the Times of taking those Recognizances, draw up the same in full Form, but only take short Minutes thereof; but when such Recognizances are returned or certified to the Affizes or Sessions, they are then drawn up in full Form.

When upon giving Judgment in any of these Cases, the Justices design to mitigate the Forfeiture to some lesser Sum; yet they ought first

to give Judgment for the whole Sum proper to the Case then before them, which they may after mitigate to such lesser Sum: But it would be wholly irregular at first to give Judgment for such lesser Sum; and therefore they must first give their Judgment according to Law, *viz.* for the whole Forfeiture, which they may after mitigate, if they see Reason so to do.

How, and in what Manner the Justices may give Judgment against the Defendant for Part, and may acquit him of other Part, hath already been mentioned in the foregoing Chapter about Hearings; therefore for Directions therein, see in the said Chapter of Hearings.

It hath sometimes happened, that the Justices having first given Judgment for the proper Forfeiture, they have mitigated such Forfeiture to a particular Sum mentioned in such Judgment; and so far they have done right: But in such Judgments they sometimes have after added these or the like Words, *viz.* *Besides necessary Charges,* or, *Besides reasonable Charges,* or the like. But the adding those, or any other like Words, is entirely wrong, and is contrary to the Direction of the said Act of Parliament: For tho' the said Words, *Reasonable Costs and Charges,* are in the latter Part of the Clause of the said Act, *Sett. 45. Excise-Book, Fol. 45.* whereby the Justices have Power to mitigate; yet there are there also added the following Words, *viz.* *To be to them allowed by the said Justices;* so that whatever is intended for Costs and Charges, must be settled and allowed by the Justices, and not by any other or others; and they the Justices, in Cases where they design to allow such Costs and Charges, must do it at the Time when they make the Mitigation, that is, they must then compute and agree what particular

particular Sum they think fit to allow for the Charges, which must not be left to be settled or ascertained at any future Time, either by themselves, or by any other Person; for every Judgment ought in it self to be compleat and perfect, and ought not to be left imperfect or uncertain in any Part thereof, to be afterwards made perfect.

The Reason of the mentioning the Costs and Charges in the foregoing Clause, is, That when the Justices are mitigating, they should consider the Charges, and should so order their Mitigation, that it may be sufficient to answer such Sum as they intend for the Offence, and also the Charges; but yet that doth not make it necessary in the Mitigation, to mention or distinguish so much for the Offence, and so much for the Charges. But after the Justices have agreed what Sum to allot for the Offence, and what Sum to allow for the Charges, the best Way will be to add those two Sums together, and make their Mitigation to such Sum as both, when added together, do amount unto: As, suppose the Justices intend that the Defendant shall pay Ten Pounds for the Offence, and Forty Shillings for the Charges, the best Way will be, to make their Mitigation to Twelve Pounds, without particularly mentioning, That Ten Pounds thereof is for the Offence, and that the Forty Shillings is for the Charges, for in all Cases, it is wrong to insert in Judgments more Words or Particulars, than are necessary; and it is more particularly wrong so to do in these Cases, because, as hereafter is mentioned, in the Chapter about Costs and Charges, the mentioning such unnecessary Particulars, may give a Handle for Cavils and Disputes.

C H A P. X.

Of MITIGATIONS; viz. Of the Justices Power to mitigate. Some Considerations offered concerning Mitigations.

BY Clause in 12 Car. II. Cap. 24. Sect. 45. *Excise-Book, Fol. 45, and 46.* it is provided, That it shall and may be lawful to and for the respective Justices of the Peace, Commissioners, &c. where they shall see Cause, to mitigate, compound or lessen such Forfeiture, Penalty or Fine, as in their Discretion they shall think fit; and that every such Mitigation and Payment thereupon accordingly made, shall be a sufficient Discharge of the said Penalties and Forfeitures to the Persons so offending, *So as by such Mitigation, the same be not made less than double the Value of the Duty of Excise, which should or ought to have been paid, besides the reasonable Costs and Charges of such Officer or Officers, or others, as were employed therein, to be to them allowed by the said Justices.*

This Clause is not, indeed, repeated in any of the subsequent Acts relating to the Duties on Exciseable Liquors, nor in any of the Acts for the New Duties, on other Manufactures under the Management of the Commissioners of Excise; But in each of those Acts there are Two Clauses referring to the said first-mentioned Act, *viz.* One whereby it is enacted, That all the Powers, &c. in the said first Act of 12 Car. II. shall be exercised, applied, used and put in Execution, in

in relation to the Duties in each particular Act mentioned, as fully and effectually as if all and every the said Powers, &c. were particularly repeated and again enacted in the Body of each of those respective Acts.

And by another Clause, In every of the said Acts it is further enacted, That all the Fines, Penalties and Forfeitures in every of those respective Acts mentioned, shall be sued for, levied, recovered or *Mitigated*, by such Ways, Means and Methods as any Fine, Penalty or Forfeiture is or may be recovered or *Mitigated* by any Law or Laws of Excise.

So that the several Acts for such other of the New Duties as are under the Management of the Commissioners of Excise, referring in the manner aforesaid to the said Act of 12 Car. II. the Justices have the same Power of mitigating Penalties and Forfeitures relating to the said New Duties, as they have of the Penalties and Forfeitures relating to the First Duties of Excise.

But Note, By the Act for laying Duties upon Hides, &c. the Justices Power of mitigating, is expressly restrained, viz. So as such Mitigation do not reduce the Penalties to less than one fourth Part thereof.

The before-mentioned Power of Mitigating in these Cases, seems to have been calculated upon a Foresight or Expectation, That as some by studied and contrived ill Practices, contrary to all Justice and Honesty, would transgress, and act in direct Opposition to the principal Intent and Meaning of these Laws, in such Manner and Degree, that it would be both Necessary and Just, to make them pay the utmost Penny of such Forfeitures and Penalties; so, others might offend in a less Degree, and it might

might sometimes happen, that some by Ignorance and Inadvertency, might bring themselves within the Letter of these Forfeitures and Penalties, though without any evil Design or Intent; and therefore the Parliament have thought fit that those who were intrusted with the Executive Power in these Cases, should also be invested with an Equitable Power, to moderate and mitigate these Forfeitures and Penalties, in such manner, that in each particular Case, the Punishment might be adequate and proportionable to the Size and Degree of each particular Person's Case, and to the several Circumstances thereof.

And if in any particular Case or Instance of an Offence against these Laws, any thing is proved or made appear, that doth really extenuate or lessen the Degree or Size of such Offence, the Justices of the Peace. by Virtue of the before-mentioned Clause, are in such Case made Judges as well of such extenuating Circumstances, as of the Offence it self; and therefore the comparing the Prosecutions on these Laws, with Prosecutions on other penal Laws, is not either fair or just. Nor indeed ought these to be treated or spoken of as penal Laws; because when the Power of executing penal Laws, is coupled and joyned with a Power of mitigating those Penalties, such Laws, so to be executed, are rather Equitable than Penal; and the rather, because the Loss of Time, Trouble and Charges which are necessary in defending other Prosecutions, in the ordinary Course of Justice, are saved in these Prosecutions before Justices of the Peace, where there are no Court Fees to be paid as on other Tryals and Hearings; and here the Parties themselves may if they will, be heard with-

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out being required to imploy or pay others to act or speak for them.

Here it may be observed, That tho' by the former Part of this Clause it is said, That *where the Justices see Cause* they may mitigate, compound, or lessen such Forfeiture, &c. *as in their Discretion they shall think fit*; yet the Clause don't end there, but for a Rule for their Discretion in these Cases, there are afterwards added these following Words, *viz. So as by such Mitigation the same be not made less than double the Value of the Duty of Excise, which should or ought to have been paid besides reasonable Costs and Charges, &c.*

But if it should be apprehended that the Measure of the double Duty mentioned in this Part of the said Clause is to be reckoned and computed in proportion only to such particular Quantity of Liquor or other Manufactures, as may happen to be the Occasion of Discovering any particular Instance of a Fraud of this kind; in consequence of such Construction, Offenders, instead of paying double the Duty which they ought to have paid, will in many Cases come off without paying near so much as they ought to have paid, in case they had not been guilty of any Fraud: As for Instance.

Suppose one (without giving Notice at the next *Excise-Office*) privately brews and sells Beer and Ale, either as a common Brewer or Victualler, &c. and is not found out or discovered so to do, untill at several Times he hath thus brewed and sold to the Amount of forty or fifty Barrels, or more; and supposing, that after he has so done and not before, he happens to be detected and found out, and that all the Drink which he happens to have by him at that time when thus detected doth not exceed Three or Four Barrels,

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the Penalties in such Case are, Fifty Pounds for the Copper in which he brewed, and also Fifty Pounds for every Vessel by him used in brewing and making his Drink: But if all the said Penalties should in such Case be mitigated and reduced so low as to be sufficient to answer only the double Duty of such Three or Four Barrels so found as aforesaid, and the Charges of Prosecution; in such Case, the Offender instead of paying double Duty for all which he had thus clandestinely brewed, will not pay near so much as will answer the single Duty, which he ought to have paid; and therefore if in such Case the Mitigation should be made in the manner and proportion before-mentioned, it is most plain, that the Offender instead of being punished for his Fraud will be a Gainer thereby, which instead of deterring him or others from committing the like Frauds, is more likely to tempt and encourage others to follow the like ill Practices.

In like manner it may happen, That forty or fifty Bushels of Malt may be found hid and concealed by a Malster, who before such Discovery may at several Times have hid and concealed five hundred Bushels of Malt; and thereby may have kept back and avoided paying any Duty for such Five hundred Bushels; now if when he is caught he is only to pay the double Duty in proportion to the said forty or fifty Bushels, or other like Quantity, found at the particular time when he is caught, his Punishment will not be any ways equal or proportionable to his Offence, nor will answer the single Duty he ought to have paid; whereas the Sense and Meaning of this part of the said Clause seems plainly to be, That the Fraudulent should at the least, and in all Events pay twice as much as he should have done.

Of Mitigations.

in case he had been honest, and should further pay the Costs and Charges of the Prosecution for such his Fraud.

This Construction seems not only agreeable to the Sense and Meaning of the particular Clause before spoken of, but may be supported from Observations on other Clauses in other Acts of Parliament, made long since the Act before-mentioned, viz. By 15. Car. II. Cap. 11. Sect. 1. *Excise-Book, Fol. 53.* If any common Brewer, &c. makes use of any Tun, Fat, Back, Cooler or Copper, for the brewing or making Beer or Ale without giving Notice thereof at the next Office of *Excise*, such common Brewer, &c. forfeits Fifty Pounds for every such Tun, &c. and by 8. & 9. W. III. Cap. 18. Sect. 8. *Excise-Book, Fol. 192.* If any common Brewer have or keep any private Tun, Batch, &c. he forfeits Two hundred Pounds for every such Tun, &c.

By 3, & 4. W. & M. Cap. 15. Sect. 1. *Excise-Book, Fol. 117.* If any common Distiller makes use of any Tun, Cask, Copper, Still, &c. without giving Notice thereof at the next Office of *Excise*, such Distiller forfeits Twenty Pounds for every such Tun, &c. and by 10, & 11. W. III. Cap. 4. Sect. 7. *Excise-Book, Fol. 210.* & Cap. 21. Sect. 23. *Excise-Book, Fol. 233, & 234.* the Owner of such private Still, Back, &c. discover'd pursuant to the Direction of the said Acts, for every such Still, &c. forfeits Two hundred Pounds.

There seems no other Reason or Occasion for making these last mentioned Acts for the respective Penalties of Two hundred Pounds in each of the before-mentioned Cases; but because Frauds might happen to be carried on undiscovered until such time that the aforesaid first mentioned

tioned Penalties of Fifty Pounds in the one Case, and Twenty Pounds in the other Case, for each Vessel might not in some Instances be sufficient to make good what the Crown had by a long continued Fraud been deprived of; but if the Punishment in such Case were to be measured by the double Duty of the particular Quantity found when such Fraud happened to be discovered, the Penalties in the said two first mentioned Acts would in all Probability have been sufficient to have answered the double Duty of such particular Quantity; but these Laws for these further and greater Penalties seem to be made on purpose to secure the double Duty of the whole which had been secreted and concealed.

If it should be urged, That if the Prosecutor expect more than the double Duty of a particular Quantity, found at a particular Time, when a Fraud is discovered; he ought to prove the like Fraud as to some other Quantity or Quantities, at some other Time or Times: The Answer in such Case will be very obvious, *viz.* that this Clause doth not direct, That the Justices *shall* mitigate the Forfeiture down to the double Duty, *But that they shall not in any Case mitigate it to less than the double Duty.*

Or if it should be insisted that none ought to be condemned by Presumption, and that therefore unless the Prosecutor can prove when, where, and how an Offender convicted in one Instance has before been guilty in other Instances, such Offender ought to be deemed innocent of all that is not proved upon him: Such Argument may be answered thus, 'Tis true, by the Rule of Law every one is to be presumed to be innocent untill he is proved to be Guilty; but this holds no longer than untill he is found guilty; and here

the Offender is proved to be guilty, and is legally convicted of an Offence, for which he has forfeited a considerable Sum of Money, which he would have reduced to a small Sum, because he would have it presumed that he was never guilty in the like kind before: But tho' one not convicted in any Instance is intitled to the Presumption before-mentioned, surely he that is plainly convicted is not on the same foot with him that is not convicted, and therefore it may be said to such a one, you are convicted of an Offence by which you have forfeited such a Sum; if you expect any Mitigation, you are to give such Proof as may be a Reason for such Mitigation; otherwise you are not intitled thereto: For the Act don't say, That the Justices *shall mitigate in all Cases, but that it shall be lawful for them so to do where they shall see Cause*; and therefore the Party who expects such Mitigation, ought to shew good Reasons for such Mitigation.

It should also be considered, That tho' these Duties are made payable to the King, and are Collected in his Name, yet only a small Share and Part thereof is applicable to his own Use, whilst much the greater Part (as nine Parts in ten) thereof are applicable and appropriated to discharge the Debts of the Nation, which untill paid, remain a Charge upon the Nation in general; and therefore whoever defrauds in these Duties, don't only deprive his Majesty of his just and due Revenue, but by lessening the Produce of the Funds designed and appropriated to pay off and discharge the Debts of the Nation, they continue the Burthen upon the present Age, and those who are to follow, longer than would be necessary, if all paid what they ought to pay, and may perhaps occasion a Necessity of laying
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new Taxes to supply such Deficiency of the present Funds.

But tho' such Offenders should not be so numerous as to occasion the laying new Taxes, yet by their shifting the Burthen from their own Shoulders they make it lie the heavier upon others; And thus that which would be easie if equally paid, doth, by their Means become oppressive, when the whole lies upon some whilst others go excused.

It is therefore to be hoped, That in the making these Mitigations, the Consequence of being too favourable will be well considered, and that if (as before has been stated) the Offender, notwithstanding the Punishment inflicted on him, is a Gainer by his Fraud, he will be encouraged to go on therein, and others, seeing his Success, will think themselves obliged to follow his Example.

For where there being two or more of a Trade, one keeps back and with-holds part of what he ought to pay, whilst the other honestly pays according to the Law; if he who is detected doth not after all pay in proportion to him who trades fairly, he who thus pays but part only, may afford to under-sell the other; and if such other finds that his Trade declines thereby, he, for fear of losing his Trade and Customers, and by a wrong Application of the Maxim of Self-preservation may (it is to be feared) be induced to think himself obliged to endeavour by Fraud, to defend against Fraud, and to repair his particular Losses out of the Revenue of the Publick, which in many Instances may in Time occasion such Deficiency as is before-mentioned.

It would be tedious to mention the many Insinuations commonly used to move the Justices to

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Lenity in these Cases; but amongst others it is commonly urged, That the Fraud of one particular Offender can have no considerable Influence on the general produce of any Branch of the Revenue, and that therefore the Justices without prejudice to the Publick, may exercise Lenity in that particular Instance.

But it is hoped, that it will be considered, That tho' such Offender may be the only Offender at that Time before those particular Justices, yet there may be many others of the like Nature before other Justices, in other Places, at that very Time, who with as much Reason and Justice may urge the same Insinuation, which may be used on the Behalf of every the like single Offender, and may as well serve to extenuate the Offences of all, as of any one, untill it be extended so far as to destroy the Force and Effect of these or any other Laws.

But if it should be supposed, That he in Fact is the only Offender in that kind, the Honesty of others ought not to extenuate his Knavery; but the Argument ought to be turned upon him, *viz.* That if all others are honest, and he the only Offender, his Punishment ought to be the more Exemplary.

The Poverty of an Offender is also frequently used as an Argument for Lenity; and that the Publick is better able to bear the loss occasioned by a poor Man's Fraud, than he is to make Satisfaction, &c. It cannot be denied but that the Poverty of an Offender ought to be considered, but then the Poverty and Impoverishing of many others, who are as poor, tho' more honest, ought to be considered more than the Poverty of any one; and the letting one Offender escape without

without due Punishment, may and will, in many Cases be the Occasion not only of the Impoverishing, but also of the undoing of many, such as are both poor and honest, because an Offender who pays only part, whilst others pay the whole that is due, can and will under-sell such as pay the whole, and thereby may and will undermine the fair Traders in their Trades and Businesses, and rob them of the Means of getting their Living.

C H A P. XI.

Of Charges and Costs, &c. Upon mitigating Penalties, Consideration ought to be had of the Charges of the Prosecution. But it is not either necessary or advisable, that in the Judgment in such Case, the Costs and Charges should be particularly mentioned.

IN the before-mentioned Clause in the 12 Car. II. Cap. 24. Sect 45. Excise-Book, Fol. 45, and 46. after the Power given to the Justices of the Peace, to mitigate Penalties and Forfeitures, there follow these Words, viz. so as by such Mitigation, the same be not made less than double the Value of the Duty of Excise, which should or ought to have been paid, besides the reasonable Costs and Charges of such Officer or Officers, or others, as were employed therein,
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to be to them allowed by the said Justices ; which Words, relating to the allowing such Costs and Charges, have occasioned some to apprehend, that where a Penalty is mitigated, it is even necessary that some part of the Sum ascertain'd by such Mitigation, should be appointed for the Costs and Charges of the Prosecution in that Cause : Whereas the true Sense and Meaning of this part of the said Clause, is only, That the Justices, in the proportioning their Mitigation in any particular Case, should first consider what Sum they think proper to be paid for the Offence, and should also consider and compute what Charges the Prosecutor hath been at in such Prosecution, and should make their Mitigation to such Sum as may be sufficient both for the one and the other. But it will not be necessary for the Justices in their Judgment, to mention or distinguish how much, or what particular Part of such Sum, is by them intended for the Offence, and how much for the Charges ; because in and by the same Clause, *Seet. 45. Excise-Book, Fol. 46.* it is enacted, That the necessary Charges for the recovering of all Forfeitures, &c. shall first be deducted, before the Distribution is made between the Crown and the Informer ; so that when a Penalty is mitigated to a less Sum, it is altogether unnecessary to ascertain how much of that Sum is intended for the Offence, and how much for the Charges ; but the Intent and Meaning of this part of the Clause, is no more, than that the Sum to which a Penalty is by Mitigation reduced, be sufficient to answer and pay such Sum as the Justices intend to inflict on the Offender for the Offence, and also to answer and pay the Charges of the Prosecution.

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But the mentioning how much, and what Part of such Sum is intended for the Offence, and what Part thereof is intended for the Costs and Charges, is not only unnecessary, as already has been observed; but is imprudent, and not adviseable to be done, because it may be attended with the ill Consequences of giving Opportunity to raise Objections against such Judgments: As for Instance;

An Information having been laid against a Maltster for an Offence by which he had forfeited Fifty Pounds, the Justices, upon hearing all Parties, convicted him of the Offence, and gave Judgment against him, for the Fifty Pounds, which they mitigated to Four Pounds, and appointed Twenty Shillings, part of the Four Pounds, to be for the Charges of that Prosecution. The Maltster appeals to the Quarter-Sessions, where his Council objected,

First, That the Law does not allow any Costs or Charges to be recovered upon a Penal Law.

Secondly, That the Act of Parliament having in that Case directed, That all Forfeitures by that Act imposed, should be divided, one Moiety to the Crown, and the other Moiety to the Informer; the Justices of the Peace had no Power to alter the said Act, by appointing any Part to be for Costs or Charges.

And the Justices at the Quarter-Sessions paying a Deference to the Learning of the Gentleman who made the Objections, and being deceived by his wrong Reasoning, they, upon these Objections, reversed the Judgment; tho' neither
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of these Objections would have held, if proper Answers had been given thereto: For,

As to the First, Generally speaking, it is true, That upon a penal Law, no Costs are to be given (that is) in such Cases where the whole Penalty is recovered: But where (as in the present Case) such Penalty, by the express Direction of such particular Act of Parliament, may be mitigated and lessened to a smaller Sum; and when by the express Words of such Act of Parliament, those who are impowered to make such Mitigation, are likewise impowered to allow Costs and Charges, those who are so impowered, may legally execute that Power: For it cannot be doubted, but that the express Words of an Act of Parliament, may alter the Common Law.

As to the Second Objection, It is true, that by a Clause in the Malt-Act, one Moiety of all the Forfeitures and Penalties therein mentioned, are to be to the Crown, and the other Moiety to the Informer.

But it is to be observed, That by the said Malt-Act, it is particularly Enacted, That all the Powers, Authorities, Directions, Rules, Methods, &c. in the before-mentioned Act of 12 Car. II. shall be exercised, practised, applied, used, and put in Execution, in and for the raising and levying the Duties granted by the said Malt-Act, as fully and effectually to all Intents and Purposes, as if all and every the said Powers, Authorities, Rules, Directions, Methods, &c. were particularly repeated, and again enacted in the Body of the said Malt-Act.

And by the next Clause, it is further enacted, That all Fines, Penalties and Forfeitures imposed by the said Malt-Act, shall be sued for, levied,
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and recovered or mitigated, by such Ways, Means and Methods, as any Fine, Penalty or Forfeiture, is, or may be recovered or mitigated by any Law or Laws of Excise.

And from thence it appears, that as the Justices, (by Virtue of the laid Clauses of Reference) had power to mitigate the Penalty of Fifty Pounds, to Four Pounds, they likewise had power to appoint that part of the Sum to which they made such mitigation, should be for the Costs and Charges of that Prosecution.

But so it was, that upon the before-mentioned Objections, that Judgment was reversed; and therefore to prevent the like in other Cases, and likewise to prevent even such Disputes and Controversies, it will be much safer, and less liable to Objections, wholly to omit mentioning any thing about the Costs or Charges, and only to mitigate the Penalty to such Sum, as may be sufficient to answer the Sum intended for the Offence, and the Costs and Charges of the Prosecution; but not to make any mention, that any part of such Sum is intended for such Costs and Charges.

C H A P. XII.

Of WARRANTS; viz. Of Warrants for Levying Sums of Money, adjudged by Justices of the Peace, upon Informations Exhibited before them, for Offences against the Excise Laws.

Justices of the Peace, by a Clause in the Act of 12 Car. II. Cap. 24. Sect. 44. *Excise-book; fol. 44, and 45.* are impowered to hear and determine Forfeitures and Offences against that Act; and in the latter part of the said Clause, are these Words, *viz. And to award and issue out Warrants under their Hands, for the Levying of such Forfeitures, Penalties and Fines, as by this Act is imposed, for any such Offence committed upon the Goods and Chattels of the Offender, and to cause Sale to be made of the said Goods and Chattels, if they shall not be redeemed within Fourteen Days, rendering to the Party the Overplus, if any be; and for Want of sufficient Distress, to imprison the Party offending, 'till Satisfaction be made.*

It may be observed, That it is not here said, that such Warrants shall be under the Hands and Seals of the Justices of the Peace, but only under their Hands; and therefore such Warrant will be sufficient, though it should only be under the Hands of the Justices, and should not be under their Seals: However, the adding their Seals can do no hurt, and may make the Persons concerned more readily submit to such Warrants; and therefore it may be convenient, that such Warrant

rant be sealed, as well as signed by the Justices of the Peace.

By a Clause in the Act of 15. Car. II. Cap. 11. Sect. 15. *Excise-Book*, Fol. 71. a Penalty of Ten Pounds is laid on such as shall give any Bribe to an Officer of Excise; and in the latter part of that Clause, the Justices, &c. are impowered to adjudge and determine Offences against that Clause, and to cause such Penalties by Warrant under their *Hands and Seals*, to be levied, &c. And therefore in that particular Case, it would be necessary that such Warrants should not only be under the Hands, but should also be under the Seals of the Justices of Peace.

The said Act of 12. Car. II. mentioning, That for want of sufficient *Distress*, the Party offending may be imprisoned. &c. such Warrants are often called Warrants of Distress, and from thence some have been induced to think the Seizures made on these Warrants, to be of the same Nature as Distresses for Rent; whereas these Warrants are in truth, Warrants for Execution, and are to all Intents direct Executions. And between these and other Executions issued out of other Courts of Law, there is this only Difference; That whereas Goods, &c. seized upon other Executions, may be sold immediately after they are seized, the Goods, &c. seized upon these Warrants, cannot legally be sold until fourteen Days after they are seized; that is, the fourteen Days must be fully expired before the Goods, &c. can be sold. But the Defendant in such Warrant, by paying down the Money to be levied by such Warrant, may redeem the Goods immediately after they shall have been so seized.

But if any other Person as a Friend to the Defendant in such Warrant, before the Fourteen

teen Days are expired, should offer to redeem such Goods, &c. as shall be seized by Virtue of such Warrant, by laying down the Money mentioned in such Warrant; it will not be adviseable to let such Person have such Goods unless at the Request of the Defendant, signified by some Note or Writing signed by such Defendant, that it may appear that the same was done at the Request of such Defendant; and without such Note the Person who seizes Goods, &c. by Virtue of such Warrant, must not before the Fourteen Days are fully expired, dispose of such Goods to any, except to the Defendant in such Warrant.

The Persons who execute such Warrants must not make any manner of Use of such Goods or Chattels as they shall seize by Virtue of such Warrants; and therefore if Horses should be so seized they must not be ridden or otherwise put to work; but if milch Cows should be seized, they may be milked, because such Milking is for the Preservation of the Cows.

By a Clause in the Act of 15. *Car. II. Cap. 11. Sect. 13. Excise-Book, Fol. 68.* It is Enacted, That all and every the brewing Vessels and Utensils for Brewing, into whose Hands soever the same shall come, and by what Conveyance or Title soever the same shall be claimed, shall be liable and subject unto, and are hereby charged with all and singular the Debts and Duties of Excise in arrear, and owing by any Person or Persons for any Beer or Ale made within the said Brew-House; and shall also be subject to all Penalties and Forfeitures incurred by such Person or Persons so using the said Brew-House for any Offence against the Laws and Statutes of *Excise*; and that it shall and may be lawful in all Cases to levy

Debts

Debts and Penalties, and use such Proceedings against the Utensils therein contained, as it may be lawful to do, in case the Debtor or Offender using the said Utensils had been truly and really Owner and Proprietor of the same.

And it being Enacted by respective Clauses in all the several following Acts for laying other like Duties on other Manufactures, That all and every the Powers, &c. and Clauses in the before-mentioned Act, shall be exercised, practised, applied, used, and put in Execution, for the Raising and Levying the Duties granted by such respective following Acts, as fully and effectually to all Intents and Purposes, as if all and every the said Powers, &c. and Clauses were particularly repeated and again enacted in the Bodies of the said respective following Acts.

And by other like respective Clauses in all the said Acts; it being enacted, That all Penalties and Forfeitures in the said respective following Acts shall be sued for, levied, and recovered by such Ways, Means, and Methods, as any Fine, Penalty, or Forfeiture, is or may be recovered by any Law or Laws of *Exeise*.

By Virtue of the said Clauses of Reference, the Utensils used by other Manufacturers are liable to all Arrears due from such the respective Manufacturers, and to all Penalties and Forfeitures incurred by them, in like manner as the Utensils used by Common Brewers.

But besides these general Causes of Reference, there are also other Clauses in each of the said respective Acts, whereby not only the Utensils used by such respective Manufacturers, but also the Materials for making such Manufactures in the Custody of such Manufacturers, are likewise specially made liable to all Arrears, Penalties,

Penalties, and Forfeitures due from or incurred by such Manufacturers; and particularly by the Malt Act, All Malt in the Custody of any Maker of Malt is liable to all Arrears, and to all Penalties and Forfeitures either due from or incurred by such Maker of Malt.

So that tho' in some Cases the Property of these Things may not really be in the Manufacturers, yet, if such Things are in the Custody of such Manufacturers, yet they will be liable to be seized by such Warrants; provided such Warrants are properly worded and expressed: And therefore in such Cases it will not be proper to make such Warrants to seize the Utensils and Malt of the Defendant, because such Warrant will only justify the Seizing such Utensils and Malt as really are the Defendant's: But if the Warrant be specially worded, to seize all Utensils used by such Maltster, for the Making of Malt, and all Malt found in his Custody; then such Warrant will be sufficient to justify the Seizing such Utensils and Malt, as shall be found in the Custody of such Maltster, tho' the Property thereof should happen not to be in the Defendant in such Warrant, but should happen to be in some other Person or Persons: And the like must be observed in the Making Warrants against other Manufacturers.

And tho' in some Instances it may happen, that by this Means one Man's Goods or Effects may be made liable to answer for the Default and Offence of another, that will not appear to be very extraordinary when it is considered, that in all well-constituted Governments it hath been, and is a Maxim, that the Interest of the whole ought always to be preferred, and to take place before the Interest of any Individual: By which

Maxim

Maxim what is before-mentioned will be maintained and justified, because in Fact the whole Nation hath an Interest of these Revenues, as they are the Means to discharge the Debts thereof, contracted for the publick Safety.

It hath been usual in these Warrants to recite great part of the Information, and of the Proceedings and Judgment thereupon, but in regard the Person or Persons who are to execute such Warrants do therein act only ministerially, and as Persons under the Direction of the Justices who grant such Warrants, it is altogether unnecessary in such Warrants to make such long Recitals; but will be sufficient in such Warrants shortly and in few Words to refer to the Judgments on which such Warrants are granted; and so is the Course in Executions issuing out of the Courts of Law in *Westminster-Hall*.

Other Warrants made by Justices of the Peace being usually directed to Constables and Headboroughs, &c. it hath been usual to direct Warrants on Judgments in *Excise* Causes to the Constables and Headboroughs, &c. but it is much more proper that these Warrants should be directed to the Officers of *Excise*, because all of them give Security to the Crown, that they will faithfully pay and account for all Money which they shall receive by Virtue of such Warrants or otherwise; and such Officers being under the Direction of, and frequently attending upon the Collectors of these Duties to whom such Money when levied ought to be paid; the *Excise* Officers can pay the Money to the Collectors more conveniently than the Constables can: But it will be proper in all such Warrants to insert a Clause, requiring all Constables, &c. to be aiding and assisting to the Officers in the Executing such

such Warrants, that in case the Officers in the Executing thereof do meet with any Opposition or Resistance, they may then by Virtue of such Clause require the Constables, &c. to assist them therein, so far as to see the Peace kept, and the Law duly complied with.

When there is Occasion to lay Informations against several Persons of the same Trade, as Victuallers, or the like, who do not duly pay their Duty; the Collectors to save the Trouble of drawing separate Informations against each of them, do sometimes join several such Defendants in one and the same Information; but it would be better to have a separate Information against each Defendant: But tho' several such Defendants should be joined in one Information, yet let the Warrants for Execution be separate, because when separate they may be executed more conveniently than when several Defendants are joined in the same Warrant.

These Warrants may bear Date either some Day after the Judgment is given, or on the same Day, when the Judgment is given; for tho' the Warrant is dated on the same Day when the Judgment is given, it shall be intended to have been made on such Part of that Day as was after the giving the Judgment: When in Causes depending in *Westminster-Hall* Judgment is given on the very last Day of a Term; yet an Execution may forthwith be made out upon such Judgment, and may bear Teste or Date on the last Day of that Term in which such Judgment was so given.

In all Cases where there is no Danger of the Defendant's carrying off his Goods or Effects, so as to prevent the levying the Money, it will be best to demand the Money of the Defendant before

before the Warrant is executed; and it may be convenient to have some Persons then present to be Witnesses that such Demand was so made; and if upon such Demand the Defendant refuseth to pay, then let such as are Witnesses of such Demand and Refusal go away before such Warrant is executed: Not that this is any otherwise necessary, than that the Defendant may be left without any Pretence of Excuse for not complying with the Judgment of the Justices.

In the latter part of the before-mentioned Clause in the said Act of 12 Car. II. whereby the Justices of the Peace are impowered to grant Warrants for levying such Penalties and Forfeitures, are these Words, *viz. And for want of sufficient Distress to imprison the Party offending 'till Satisfaction be made.* But Note, That before any such Warrant can be made to arrest and imprison the Person of the Defendant, there must first be a Warrant to seize the Utensils, &c. and the Defendant's Goods, and that Warrant must be returned; all which must be done before any Warrant can regularly be made to arrest and imprison the Defendant's Person; which Method ought to be observed, tho' perhaps it may be well known or sufficiently proved before the Justices, that all the Utensils, and all the Defendant's Goods and Effects are carried off; yet such Proof will not be sufficient Foundation for granting such Warrant to arrest and imprison the Defendant's Person: For the Law being in all Cases very tender of depriving Men of their Liberties, it is necessary, that all possible Means should be used to levy the Money on the Goods, &c. before the Person of the Defendant be imprisoned: But if a Warrant to seize the Utensils and Goods, be made and delivered to an Officer

to be executed; and if such Officer having made diligent Search for such Utensils and Goods, cannot find any such, or cannot find sufficient to answer the Sum mentioned in such Warrant; and if such Officer doth upon such Warrant make a proper Return, that having made diligent search, he cannot find any Utensils or Goods whereon to levy the said Sum mentioned in such Warrant; or that he hath seized some Utensils or Goods which he has sold and disposed of, and that the Money thereby arising amounteth but to such a Sum, being less than the Sum in such Warrant; then, and in either of the said Cases, a Warrant may be made to arrest and imprison the Person of the Defendant; but then there ought to be a Duplicate made of such Warrant, because when the Officer has so arrested the Defendant, he must conduct him to the Prison next to the Place where such Defendant shall be so arrested, and there deliver him into the Hands of the Keeper of such Prison, who cannot regularly receive him into his Custody without a Warrant, and it will not be safe for the Officer who arrested such Defendant to part with the Warrant, whereby he was commanded so to do, but ought to keep that for his Justification; and that he may so do, and that the Keeper of the Prison may also have a Warrant for his Justification, it will be necessary, as before is said, that there be a Duplicate of such Warrant, that the Officer may keep one, and the Keeper of such Prison may have the other.

The Granting of Warrants on these Judgments, may, in many Cases be justified, tho' in such Judgment or in some other part of the Proceedings, there may be such Error or Defect for which such Judgment may by a proper Method of Proceeding

ceeding be reversed; but where a Judgment is not void of it self, but is only erroneous, or so far faulty that it may be reversed, such Judgment until it is so reversed is a good Judgment, and sufficient to justify the Granting and Executing of a Warrant thereupon: But if a Judgment be void in it self, (as in some Cases it may) then a Warrant granted on such Judgment will likewise be void.

C H A P. XIII.

of A P P E A L S.

IN the before-mentioned Clause in 12. Car. II. Cap. 24. Sect. 44. *Excise-Book*, Fol. 43, & 44. it is mentioned, That if the Justices of the Peace after Complaints made and Notice given, do by the Space of Fourteen Days neglect or refuse to proceed thereon, that then the *Sub-Commissioners*, or the major Part of them appointed for any Place, shall be, and are by the said Act impowered to hear and determine the same; and if the Party find himself aggrieved by the Judgment given by the said *Sub-Commissioners*, he shall and may Appeal to the Justices of the Peace at the next Quarter-Sessions, who are hereby impowered and authorized to hear and determine the same, whose Judgment therein shall be final.

Observe here, That the Words relating to these Appeals are not general, or such as may

be applied equally or indifferently, as well to the Judgment given by Justices of the Peace, as to Judgments by *Sub-Commissioners*; but on the contrary, they are limited and restrained to such Judgments only as are given by *Sub-Commissioners*, in whom the Parliament did not (it seems) so intirely confide, as in the Justices of the Peace, but have made the before-mentioned Distinction between the Judgments of the one and of the other, which must be observed and pursued; and therefore the Liberty of Appealing, by this Clause cannot be applied to such Judgments as are given by Justices of the Peace, for that would be extending the Meaning of this Clause beyond the plain Words thereof.

There not being any other Clause in this Act for giving the like liberty of Appealing, from Judgments given by Justices; it plainly appears, that there is not by this Act any Appeal from such Judgments by Justices, nor is there any Liberty of Appealing from the Judgment of Justices by any other of the Acts of Parliament relating to the Duties of Excise, or other like Duties, untill the making of the respective Acts for the Laying the several Duties upon Malt, &c. and upon Salt, and upon Hides, in each of which respective Acts there are exprefs Clauses for giving Liberty of Appealing from Judgments given by Justices of the Peace.

It will be in vain to urge or argue the Reasonableness of having the like Liberty to appeal from the Judgment of Justices in Causes relating to the said other Duties, as well as in Causes relating to the Duties on Malt, Salt, and Hides: For when a new and particular Jurisdiction is not only created, but is limited and settled by any Act or Acts of Parliament, the written
Law

Law is in such Cases a surer Guide than the Reasoning of particular Men; and therefore such Act and Acts of Parliament must in all such Cases be the Rule to go by, untill such Jurisdiction is altered or enlarged by some other Act or Acts of Parliament, as appears by the inserting in the said last mentioned Acts, express and particular Clauses for the giving Appeals in Causes relating to those particular Duties; but if such Appeals could have been maintained without such express and particular Clauses, the inserting those Clauses in the said last mentioned Acts would then have been altogether unnecessary.

The Clause in the Malt Act relating to Appeals is thus, *viz.* *That if either Party think him or themselves aggrieved by any Judgment or Order to be given or made by any Justices of the Peace, in Pursuance of this present Act, touching or concerning the Duties hereby granted, or any Penalty or Forfeiture relating to the same: It shall and may be lawful to, and for such Person or Persons so finding him, her, or themselves aggrieved by such Judgment or Order, to appeal from the same, to the Justices assembled at the next General Quarter Sessions of the Peace, to be holden for the County, Shire, or Stuary, where such Judgment or Order shall have been made, which said Justices of the Peace or the major Part of them, are hereby impowered to hear, and finally determine the same; and no Writ of Certiorari shall be allowed or brought to set aside any Determination or Order of the said Justices.*

Observe, that the Appeal in these Cases is to be at the next Quarter-Sessions; and by the next Clause it is provided, That the Party appealing shall give to the other Party Notice in Writing of his Intention to appeal Six Days before the Quarter Sessions; and if there is not Six Days
Space

Of Appeals.

Space between the First Judgment and the next Quarter Sessions, then the Appeal may be made at the Second Quarter-Sessions after the First Judgment.

It is further provided by this Act, That the Justices at the Quarter-Sessions may award Costs to either Party.

Pursuant to the said Clause, Appeals have been frequently made to the Justices at the Quarter-Sessions, against Judgments given by Justices of the Peace in Causes relating to the Malt Duty; and at the Hearings upon such Appeals, it hath in some Instances happened, that instead of proceeding upon the Merits of such Causes, the Justices of the Quarter-Sessions have been prevailed upon to proceed on Exceptions taken to the Forms of the Judgments, from which such Appeals have been made; and upon such Exceptions have reversed such Judgments, and have then dismissed the Parties without proceeding to hear or examine into the Merits and Truth of Facts in question: And that even in Cases where the Exceptions were not for or on Account of any Defect or Faults in the Informations, but were only to Matters of Form in the Entering up such Judgments, or in some other Part of the Proceedings: And tho' the Informations in such Causes, which by Virtue of such Appeals were transferred to the Justices at the Quarter-Sessions, and were then actually before them, were not any ways defective, but were proper and sufficient Informations, on which the Merits of the Matters in question might have been fully and finally determined; yet the Justices at the Quarter-Sessions have refused to proceed thereon, or to make any final Determination in such Causes so brought before them, and have apprehended,

that

that such their Proceedings have been right; because when Orders or Adjudications made by Justices of the Peace in other Cases, have by Writs of *Certiorari*, been removed and brought before the Judges in the *Kings-Bench*, they, the Judges upon Exceptions taken to such Orders or Adjudications, have sometimes reversed or quashed such Orders or Adjudications, and have not in such Cases made any other Order or Adjudication in the Place and Stead of those which have been so quashed and reversed.

Whereas the Expression in the latter Part of the said Clause, *viz. And no Certiorari shall be allowed or brought, &c.* plainly intimates, That it was not intended that upon these Appeals these Causes should be proceeded upon as on *Certiorari's*, but upon the very Right and Merits in each particular Cause: But proceeding on these Appeals in such manner as on *Certiorari's*, seemeth directly contrary to the Intent and Meaning of this Part of the said Clause.

Besides, Writs of *Certiorari* are of a Nature quite different from these Appeals, *viz.* Such *Certiorari's* are only to remove into the *King's Bench* the Record of an Order or Adjudication made by Justices of the Peace, to the Intent, that the Judges in the *Kings-Bench* by inspecting such Record so returned, may thereby see and judge whether the Fact as it is set forth in such Return be a sufficient Foundation in point of Law, to warrant and maintain such Order or Adjudication, thereupon made by the Justices of the Peace: But the Judges in the *Kings-Bench* have not by such *Certiorari* so returned to them, any Power to inquire into the Fact or Offence mentioned in such Return, or any Means or Method to have or receive any Knowledge or
Information

Information touching the same, other or farther than as the same is set forth in such Return; but they must admit and take the Fact to be just as it appeareth in and by such Return; and if by such Return there doth not appear Matter sufficient to maintain the Adjudication or Order made by the Justices of the Peace, the Judges of the *King's-Bench* cannot avoid reversing or quashing such Order or Adjudication; and having so done, they cannot proceed any farther, because (as before has been said) they cannot receive any other or farther Information, touching the Fact or Offence mentioned in such Return.

But Appeals are of a Nature quite different, *viz.* An Appeal is a Resort from an Adjudication or Sentence already given by one Court or Judicature to a superiour Court or Judicature, to the Intent that all that was heard by the Judicature or Court who made such Adjudication or Sentence, may again be heard and inquired into by the Court or Judicature, to which such Resort or Appeal is made: And in such Cases the superiour Court so appealed to doth always re-hear and inquire into the Fact, as fully as did the Court who made the first Adjudication or Sentence, which being done, the superiour Court doth either affirm the first Adjudication or Sentence, or in the Stead thereof doth make such other Adjudication or Sentence as seemeth Just, and according to the Merits of the Fact then before such superiour Judicature.

This is the constant Method and Course upon Appeals in the Courts of Civil Law; likewise on Appeals to the Lord Chancellor, or Lord Keeper; from Decrees made by the Master of the Rolls, all the Evidence made use of at the Hearing before the Master of the Rolls, is again made

made Use of on the Hearing such Appeal before the Lord Chancellor, who thereupon, either affirms the Decree made by the Master of the Rolls, or in the Stead thereof, maketh such other Decree as upon such Proof and Evidence appeareth to him to be Just, and according to the Merits of the Cause then before him: And the like Method is observed upon Appeals to the House of Lords, from Decrees made in the Court of Chancery, or Court of Exchequer; in all which Cases the superior Court to which such Appeal is made, doth not confine it self to a bare Examination of the Forms of the Proceedings, but goeth upon the Merits of the Cause then before such superiour Court; and if thereupon the superiour Court finds any Fault or Faults in the first Decree, the superiour Court doth not stop there, but proceeds to make such Decree as should have been made at first.

In the like Manner the Justices at the Quarter-Sessions should proceed upon the Merits of each Case: And in order thereto they have full Power to hear all the Evidence, and to examine all such Witnesses as were heard or examined before the particular Justices who gave the first Judgment; and having so done, and being fully informed of the Truth and Merits of the Matter in question, they may either reverse the First Judgment given by such particular Justices, or may affirm the same either in part or in the whole, or may in the Stead thereof make such other Judgment or Adjudication as to them seemeth Just; and therefore if upon an Information for an Offence by which the Defendant forfeited Fifty Pounds, the particular Justices before whom the Information was First laid have given Judgment against the Defendant for such Fifty Pounds,

Pounds, and have after mitigated such Fifty Pounds to Ten, Twenty, or Thirty Pounds, the Justices at the Quarter-Sessions may affirm the First Judgment as to the Fifty Pounds; and yet (if they think fit) may reverse the Mitigation, and may let the Judgment stand for the whole Fifty Pounds, or they may alter the Mitigation and make it either more or less as to them seemeth Just. And tho' the Justices who gave the First Judgment did not make any Mitigation, yet the Justices at the Quarter-Sessions may (if they see Cause) make such Mitigation as to them seemeth Just; for by the Appeal the whole Matter is before them, as appeareth by the printed Opinions of Sir *Edward Norbey*, and Sir *Robert Raymond*, and therefore the Justices at the Quarter-Sessions are Judges of the Mitigation as well as of the Penalty; and in one Instance their Power exceeds the Power of the Justices who gave the First Judgment, *viz.* The Justices who gave the First Judgment cannot allow or adjudge any Costs or Charges beyond the Penalty; but the Justices at the Quarter-Sessions may (if they see Cause) adjudge and allow Costs and Charges even beyond the Penalty.

But you are to know that no other Witnesses ought to be examined upon Hearing Appeals, but such only as were examined on the Hearing before the Justices who gave the first Judgment; for so is the Law and the constant Course and Practice on all the Appeals before-mentioned; for the Hearing upon an Appeal is not an original Hearing, but is only a Resort to another Judicature, in the same Cause and under the same Circumstances as it was at first heard.

And thereupon the Judicature so appealed to, is to give such Judgment as should have been given

given on the first Hearing, so that if the first Judgment was wrong, the Judicature appealed to, ought instead thereof, to give such Judgment as is right: And this is agreeable not only to the Practice and Usage upon Appeals before-mentioned, but also to the Course and Practice of the Common-Law; for where a Judgment given in an inferiour Court of Common-Law is by Writ of Error removed into a superiour Court, and Error is found in such Judgment given by such inferiour Court, the superiour Court doth not always content it self with barely reversing the first Judgment; but having so done, the superiour Court in all Cases where it can, proceedeth to give a right Judgment instead of that which was wrong, as may be seen in *Rolls Abridgment, Fol. 774. Placito 2, & 3.* where it is said, That a superiour Court is in such Case to give the same Judgment as the inferiour Court ought to have done: And in *1 Rolls Abridgment, Fol. 805. Placito 8.* where it is said, That upon Reversing the First Judgment, the superiour Court ought to give Judgment against the Plaintiff, or against the Defendant if the Inferiour Court ought so to have done: And accordingly the Courts of Common-Law when upon Writs of Error they reverse Judgments do not always stop there; but in all Cases where they can, they proceed to give such Judgments as may be final and conclusive to both Parties.

Such Judgments or Adjudications whereby Causes are so finally determined, are for the Honour of Judicatures, and for the Advancement of Justice; but when a Judicature either hath or (if they will) may have sufficient whereon to give such a Judgment as may be final and conclusive, it would be below the Dignity of such

such Judicature instead thereof to give such a Judgment as would only shew the Defects or Mistakes in the first Judgment, but would leave the matter in Question as much undetermined as it was at first, and the Prosecutor to begin a new Prosecution for the same Fact or Offence, for the Law abhorreth Circuity of Actions, and all unnecessary Delays.

Besides giving such Judgment as is not decisive in Cases where a decisive Judgment may be given, is deferring to do Justice; *Magna Charta* is as much against the deterring to do Justice, as against denying to do Justice, and every unnecessary deferring to do Justice is in Fact a temporary denying to do Justice; but it is for the Benefit of both Parties that Suits should be ended.

Since therefore the Justices at the Quarter-Sessions are to inquire and be inform'd of the Truth and Merits of these Causes brought before them; by these Appeals it seemeth altogether unnecessary for them to hear Debates upon Exceptions to the Forms of the Proceedings; for if after such Debate they find the Forms of the Proceedings to be sufficient, they must then hear and examine the Witnesses as to the Fact and Truth of the Matter in Question, and must thereupon make such Adjudication as to them seemeth just; and tho' upon such Debate some Fault should be found in the Form of some part of the Proceedings, yet if the Information be sufficient they must then also hear and examine the Witnesses as to the Fact and Truth of the Matter in Question, and if the first Judgment be wrong, the Quarter-Sessions must or ought in the Stead thereof, to make such Adjudication as to them seemeth just, so that either way the Time which shall have been spent in debating upon

upon such Exceptions will prove to be so much Time spent, and so much Labour lost to no manner of Purpose; and not only so, but after the Justices at the Quarter-Sessions have been tired with long Debates upon Exceptions which are not material, they will (in all probability) be the less attentive and observing of that which is material, *viz.* The Truth of the Fact and Merits of the Matter in Question.

Besides, if in these Cases Justices of the Peace undertake to judge of nice Exceptions, they will sometimes be prevailed upon to allow such Exceptions as would not have been allowed in *Westminster-Hall*; of which there having been many Instances, it may not be amiss here to mention, one, *viz.*

A Malster having appeal'd to the Quarter-Sessions from a Judgment given against him by two Justices of the Peace, and the Appeal coming on to be heard, the Council for the Informer insisted to proceed on the Merits of the Cause, and to call their Witnesses to prove the Fact, which was opposed and over-ruled, and instead thereof, the Chairman (a Gentleman of the Law) was pleased to take four Exceptions, *viz.*

1. The Record then before the Quarter-Sessions mentioning, That the Information was exhibited before, &c. It was objected thereto, that it was not mentioned, That the Information was exhibited (*in Writing*;) so that the pretended Defect was the not inserting the Words, (*in Writing*).

2. That tho' in the Information it was expressed, That the Offence was committed within Three Months last past before the exhibiting the Information, *viz.* on the Five and Twentieth Day of *January* then last past, there were also

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added

added these Words, *viz.* or on some other Day within Three Months last past, the Exception was against the adding these last Words, whereby it was insisted the Information was uncertain.

3. That the House where the Hearing had been, and at which the Defendant had been summoned to appear, was not mentioned in the Record to be a publick House; and thereupon it was argued, that it might be at a private House where the Defendant without Leave could not safely come to make his Defence.

4. The Judgment being in these Words, *viz.* It is now here considered and adjudged by us the said Justices, That the Defendant is guilty of the Premises in the Information in Manner and Form as in and by the said Information is objected against him, and that he thereby hath forfeited Seven Pounds of lawful Money, &c. of which said Seven Pounds we adjudge one Moiety to be to the Use of his said Majesty, &c. The Objection to this Judgment was, that in the last Part thereof it was not expressed thus, *viz.* Of which said Seven Pounds we hereby adjudge, &c. So that the Fault alledged was the not inserting there the Word (*hereby*).

The First Objection had nothing in it; for it being expressed in the Record thus, *viz.* The Informer exhibiteth to us, &c. His Information, the said Word, *exhibiteth*, did necessarily imply that the Information was in Writing; for nothing can be exhibited but what is in Writing; and therefore it was totally unnecessary to add the said Words (*in Writing*) *Quod necessario subintelligitur non deest*; besides the Justices then having before them the very same Information as had been exhibited before the Two Justices who had

given

given the first Judgment; the Justices at the Sessions could not but see, and must judicially take Notice, that the Information was in Writing; and *Quod constat clare non debet verificari* hath always been allowed a good Rule in Law.

As to the second Objection there being a particular Day mentioned in the Information when the Offence was committed, the Words objected against, *viz.* or on some other Day within three Months last past, were at worst but Surplusage.

As to the Third Objection, the House where the Hearing had been, and at which the Defendant was by the Summons required to appear, as it was described and mentioned in the Record, was known to all the Justices, and to the whole Country to be a publick House; however, it appeared by the Record, that the Defendant was admitted into the said House, and had there made his Defence, so that the Objecting that he might not come there without Leave, was nothing but Pretence: Besides the Act of Parliament hath not appointed any particular Place for these Hearings, and therefore the Justices may appoint them to be at what Places they please, provided those Places be in the proper County.

As to the Fourth Objection, if the Word (*hereby*) had followed the Word *adjudge*, (as according to the Chairman's Opinion it ought to have done,) the Word *hereby* could have referred to nothing but to the Judgment, so that if the Word *hereby* had been added, the Sense would then have been thus, *viz.* we adjudge by our Judgment, which surely would at the best have been Tautology.

However it so happened, that upon the before-mentioned Exceptions only, and without Hearing or Examining the Witnesses as to the Fact and Merits of the aforesaid Case, the Judgment was reversed, and the Information for the Reasons before being adjudged insufficient, the Justices at the Quarter Sessions did not make any further Judgment or Determination in that Case: But if every Information is to be adjudged insufficient on such Exceptions as some of these, then adieu to all Prosecutions of this kind before Justices of the Peace, for it will not be possible for any one to draw an Information so, but that another may fancy that some of the Words thereof ought to have been omitted, and that some other Words ought to have been inserted therein.

It ought to be considered, That the Informations in these Cases being generally drawn and prepared by Officers of Excise, it cannot be expected that these should be so correct and exact as Informations in the like Cases in the Courts of *Westminster*, which are prepared by experienced Clerks, and perused by Council learned in the Law.

Besides, between these Informations laid before Justices of the Peace, and Informations for the like Offences laid in the Courts of *Westminster*, there is this Difference, viz. If upon Informations laid in the Courts of *Westminster* for Offences against these Laws, Judgment is given for the Informer, such Judgment must be for the whole Penalty; and the Courts of *Westminster* cannot afterwards mitigate such Penalty, but the particular Justices of the Peace on their first giving Judgments against Defendants in these Cases, or the Justices at the Quarter-Sessions upon

upon their affirming such Judgments, may either of them mitigate such Penalty; and therefore it seemeth not necessary, that the Proceedings before Justices of the Peace should be so nice and correct as the like Proceedings in the Courts of *Westminster*, where such Mitigations cannot be made, the Consequences being more penal in the one than in the other Case.

It should be farther observed, That altho' all that is recorded by the Justices before the granting of the Summons is commonly called the Information, yet it is not so in Fact, but on the contrary, the Beginning thereof, *viz.* The Memorandum made of the Day, Year, Month, and Place of the Informer's laying the Information before the Justices, and all the rest which goeth before the Setting forth of the Fact and Offence is not properly and strictly Speaking any Part of the Information, but is a Record made by the Justices of the Laying such Information before them; since therefore that Part of the Proceedings in these Cases is not the Act of the Informer, or any Part of his Information, but is the Act of the Justices; if any Mistake happen therein, such Mistake ought to be rectify'd by the Justices before whom such Information was first laid, and ought not to be made Use of in Prejudice to the Informer.

It is to be hoped, That Gentlemen who are in the Commission of the Peace will consider the Trust reposed in them by these Laws, and how greatly they may be serviceable both to their King and Country, if they proceed upon the Truth and Merits of the Facts and Offences brought before them on these Prosecutions; but if on the other Hand they choose to proceed on nice Exceptions, and thereupon reverse and
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Of Appeals.

quash Judgments legally given on full Hearing of all Parties; the Consequence will be, that all Offenders against these Laws will be prosecuted in the Courts of *Westminster*, (as by the several Acts of Parliament they may be) and then the Charges of defending such Prosecutions will amount to a great deal more than the Money recovered on Judgments given by Justices of the Peace.

Besides, every Instance where an Offender really guilty, is by Niceties and Subtleties screened from the Punishment due to him, for fraudulently contriving to avoid paying just Duties, is not only Injustice to the Prosecutor in such Case, but is an Injury to all others who pay the like Duties, as such Defendant ought to pay. And it may be further observed, That perhaps it may be a Question whether curious Inquiring into the Certainty or Uncertainty of Expressions will not occasion more Uncertainty than it will prevent.

Besides, When these Acts of Parliament do plainly direct the Justices to hear and determine upon the Matter of Fact, it seemeth extraordinary to imagine, that if perchance an Objector can propose Words or Expressions which perhaps might have been more apt and proper than some other Words or Expressions which may happen to be used, the Justices are to spend most of their Time in critically examining the Words and Expressions against which such Objections are made.

It is too obvious that these Appeals have been made Use of, as if the Parliament in giving this Liberty of Appealing had had no further View or Design, than giving to the Quarter-Sessions a Power barely to undo and reverse what had
been

been done by the Justices of Peace, before whom these Informations are first laid; and it has been thought a notable Performance, to reverse these Judgments, and then to leave the Parties at large, and the Fact undetermined. Whereas the Words *finally determine*, in the before-mentioned Clause plainly intimate, that such Judgment of the Justices at the Quarter-Sessions, should be a final Determination upon the Fact, and not upon the Form of the Proceedings; and in *Coke's 2d. Institutes, Fol. 360.* it is said, *Interest Reipublicæ res adjudicatas non rescindi*; It is for the Benefit of the Publick, that Things adjudged should not be made void.

Where, therefore, an Information is laid for a Fact committed within Three Months next before the laying such Information; and where such Fact is in such Information expressed and mentioned in such Manner, as (if true) will make the Defendant liable to any Forfeiture or Forfeitures, of which the Justices of the Peace have Jurisdiction; such Information ought to be deemed and allowed to be sufficient, and ought to be proceeded upon: And although it may be made appear, That another Information in the like Case, might have been drawn better than the present one, yet it ought not to be concluded, that such present one is totally defective and insufficient; for it is not a necessary Consequence, That this is wrong, because another might have been better. But if the Information be such, as upon Proof of the Fact may be a sufficient Foundation for giving a legal Judgment thereupon for the Informer, such Information ought to be deemed sufficient, especially in these Prosecutions before Justices of the Peace; for though the Law approveth of a legal Certainty,

yet it disliketh such captious Pretence of Certainty as doth confound the true and legal Certainty, *Coke's 8th Report, Fol. 56. B.* The Earl of *Rutland's Case*, in which Case the Judges complain, that of late Times nice and strained Constructions had been made, which are there said to be clearly against the true Reason and antient Rule of Law.



INSTRUC.

INSTRUCTIONS
FOR
COLLECTORS
OF
EXCISE.

PART II.

CONTAINING
PRECEDENTS for *Informations, Summons,
Judgments, and Warrants*; And some *Clauses*
extracted out of the *Acts of PARLIAMENT*
relating to the *Duties of EXCISE*.

TOGETHER WITH
Some *Observations and Directions* concerning
those *Clauses* and the said *Precedents*.

L O N D O N:
Printed in the YEAR 1735.

INSTRUCTIONS

FOR THE
COLLECTORS

EXCISE

OF THE

CONTAINING
EXCISES OF
JUDGMENTS, AND
EXTRACTS OF THE
RELATING TO THE
DUTY OF

TOGETHER WITH
SOME OBSERVATIONS AND
THESE CHARGES AND THE
TREATMENT

J. O. D. O. N.
Printed in the Year 1732

INSTRUCTIONS

FOR

COLLECTORS of EXCISE.

PART II.

CHAP. I.

Of Informations for not making True Entries every Week, Month or Six Weeks, of the Exciseable Liquors and Manufactures made in such Week, Month or Six Weeks. And of Informations for not duly paying the Duties of Excise for such Liquors and Manufactures. And of the Clauses requiring such Entries and Payments to be made.

THE Act of 12 Car. II. Cap. 24. Sect. 15, & 16. *Excise-Book*, Fol. 27, & 28. whereby the Duties of Excise are granted, runs thus; viz. That there shall be paid the several Rates, Impositions, Duties, &c. following; that is to say, For every Barrel of Beer or Ale Brewed by the Common Brewer, or any other Person, who doth or shall sell

or

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or tap out Beer or Ale, publickly or privately, so much per Barrel, and so proportionably: Whereby it appears, That the Duty accrues and becomes a Debt vested in the Crown, as soon as the Operation of brewing is over, and is in proportion to the whole Quantity brewed, without any regard had to the future Application or disposing thereof, or of any Part thereof.

The Duty of Six Pence *per Bushel* upon Malt, is likewise for every Bushel of Malt, *which shall be made, &c.* Other Duties are charged in the like manner, *viz.* For all Candles *made, &c.* For all Sope *which shall be made, &c.* And so on several other Manufactures; in all which Cases, the Duties accrue and become Debts vested in the Crown upon the *making* the said respective Manufactures.

The Duties upon Cyder accrue differently, *viz.* There being several Duties amounting to 6 s. and 8 d. *per Hoghead*, and so proportionably laid upon Cyder *made and sold*, these Duties do not accrue until the Cyder is sold: But there being by the Malt-Act another Duty upon Cyder of 4 s. *per Hoghead*, and so proportionably laid upon all Cyder *made for Sale*, this Duty of 4 s. *per Hoghead*, accrues at the respective Times when Cyder for Sale is made.

The Duties of Metheglin and Mead being laid upon Metheglin and Mead *sold*, these Duties do not accrue until these Liquors are sold.

There are other Duties laid upon the performing certain Operations for the Improving of other Manufactures; as upon the printing and painting Paper to serve for Hangings, &c. and upon the printing, painting, staining or dying Silks, Callicoes, Linnens or Stuffs; which said respective Duties accrue and become Debts vested in the Crown,

Crown, upon the performing the said respective Operations, or any of them.

But notwithstanding the said respective Duties do (as is aforesaid) accrue and become Debts vested in the Crown, upon the performing the said respective Operations of Making or Improving, as aforesaid; yet there are future Times respectively allowed for the paying the said respective Duties; which said Times for Payment, are to be computed from the respective Times when the respective Persons who so make or improve the said Manufactures, make or ought to have made Entries of the said respective Manufactures by them so made or improved; which Times for the making such Entries, are different, viz.

By a Clause in 12 Car. II. Cap. 24. Sect. 28. *Excise-Book, Fol. 30.* Common-Brewers are once in every Week, to make true and particular Entries of all Beer and Ale, which they shall brew in that Week; and if they neglect to make such Weekly Entries, they forfeit Ten Pounds for every such Weekly Neglect, 12 Car. II. Cap. 24. Sect. 29. *Excise-Book, Fol. 31.*

And every Common-Brewer who shall not pay and clear off within a Week after he made or ought to have made his Entry as aforesaid; shall pay double the Value of the Duty, 12 Car. II. Cap. 24. Sect. 30. *Excise-Book, Fol. 31.*

Supposing then, that a Common-Brewer begins and sets up his Trade on the First Day of any Month, and breweth one Guile or Brewing on that Day, and another Guile or Brewing on the Third Day of that Month, and another on the Fifth Day of that Month; such Brewer ought on or before the seventh Day of that Month, to make a true and particular Entry of all he brewed in

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in such Week; and if he fail therein, he forfeits Ten Pounds, for which an Information may be laid against him in the beginning of the Second Week, *viz.* the Week next following the Week he so began to brew; and at or before the end of the Second Week, he ought to pay and clear off the Duties accruing in the First Week, and if he fail therein, an Information for double the Value of the Duties which so accrued in the First Week, may be laid against him in the beginning of the Third Week, computed from his first beginning to brew.

And though Common Brewers are not commonly held to make their Payments so quick, yet it seemeth pretty plain, that the true Sense and Meaning of the said Clause, is, That at the End of each Week, they should enter all they had brewed in that Week, the Words of the Act being, *That all Common-Brewers shall once in every Week make true and particular Entries, &c.* But if a Common-Brewer doth not in the First Week of his Brewing, make an Entry of what he brewed in that Week, but delays the doing thereof, until the next Week after, it will then be evident, that he passes over one Week without making any Entry, and consequently doth not in *every* Week make a true Entry, &c. whereas the said Act requires him once in *every* Week to make such true Entry.

By the before-mentioned Clause, Inn-keepers, Victuallers and Distillers, are once in every Month to make true and particular Entries of their Liquors; and if they neglect so to do, Inn-keepers for every such Neglect, forfeit Five Pounds, and Victuallers for every such Neglect, forfeit Twenty Shillings; and if in one Month more [they do not pay and clear off, they are to

pay

pay double Duty, 12 Car. II. Cap. 24. Sect. 28, 30. Excise-Book, Fol. 30 & 31.

By a Clause in all the Malt-Acts, every Maltster or other Person making Malt (for Sale or not for Sale, except such as compound for the Duties of Malt by them made for their own private Use only) are Monthly and every Month, to make true Entries of all the Malt by them made in such Month respectively; and by most of the Malt-Acts, they are to pay and clear off within Three Months after they have made, or ought to have made such Entry; but by the Malt-Act 1 Georgii, they have one Month more allowed for Payment.

All Persons making Candles within the Limits of the *Weekly Bills of Mortality*, are Monthly and every Month, and all Persons making Candles in any other Parts of *Great Britain*, are in every Six Weeks to make true Entries in writing of all Candles by them made in such Month and Six Weeks respectively; and those who make Candles within the said *Weekly Bills*, are once in every Four Weeks, and others in other Parts of *Great-Britain*, once in every Six Weeks, after they have made, or ought to have made such their Entries, are to pay and clear off.

Note, Such as compound for the Duties of Candles by them made and consumed in their own private Families only, are not within the said Clause.

Makers either of Sope or Starch, are to enter and pay at the like Times as Makers of Candles.

Makers of Paper, and Printers and Painters of Paper for Hangings, &c. and Printers and Painters of Callicoes, Linnens, &c. either within
or

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or without the Limits of the *Weekly Bills of Mortality*, are in every Six Weeks to make their Entries, and are in Six Weeks next after to pay and clear off the said Duties.

Refiners or Drawers of Gilt or Silver Wire, are to make Entries Monthly, and are to pay and clear off in Six Weeks next after they so have made, or ought to have made their Entries.

Note, There are no Compounders for the Duties on Sope, Paper, Callicoes, Linnens, &c. or upon Starch, Gilt or Silver Wire.

If therefore, before, or at the beginning of their Second Month, Inn-keepers, Victuallers and Distillers, do not make Entries of all they have brewed or distilled in the First Month of their brewing or distilling, Informations may at the beginning of such Second Month be laid against them for not making such Entries; and if before, or at the beginning of the Third Month, they do not pay and clear off all the Duties accrued from them in such First Month, Informations for double the Value of such Duties as so accrued in such First Month, may be laid against them in the beginning of such Third Month.

And if Makers of Candles, Sope or Starch out of the *Weekly Bills*, or if Makers of Paper, or Painters of Paper for Hangings, &c. or Printers or Painters of Callicoes or Linnens, do not in or at the End of the First Six Weeks, make true Entries of all they made or wrought in such first Six Weeks; Informations for the Penalties for not making such Entries may be laid against them at the beginning of such second Six Weeks; and if at the end of such second Six Weeks they do

do not pay and clear off the Duties so accrued in such first Six Weeks, Informations may (at the beginning of such third Six Weeks) be laid against them for double the Value of such Duties as so accrued in such first Six Weeks.

These Duties being (as in Fact they are) publick Revenues, in which not only the Crown, but the whole Nation is interested and concerned, it will be necessary that all due Care be taken, that no part of them be lost, for want of being collected or received at the respective Times when they ought to be paid; And that, against such as are Defaulters and do not pay at those Times, Informations may be laid, and Judgments obtained thereupon, and all other Lawful means used to secure the said Duties; but so as that all fair Traders be likewise used with as much Tenderneſs and Indulgence, as may be consistent with the securing the said Duties; the before-mentioned Clauses for the said Forfeitures not being calculated or intended for the Profit of Informers, or to ruine or distress fair Traders, but to secure the Duties, and to preserve such a Ballance of Trade between the said respective Manufacturers, that all of the same Trade may pay equally with respect to the several Proportions of the Manufactures by them respectively made or improved; and therefore the before-mentioned Clauses ought to be used and put into Execution and Practice accordingly.

Though the Times appointed for Common-Brewers to pay their Duties, are as before have been mentioned, yet such Common-Brewers as are out of the *Weekly Bills*, are sometimes indulged to pay at the same Times when Inn-keepers and Victuallers pay, which may be allowed of,

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as being consistent with the securing the Duties due from them; because all Coppers and Utensils by them used in brewing, whether they are the Brewer's own, or do really belong to other Persons, yet are liable to these Duties; and tho' the Utensils of other Traders are liable in like manner, yet the Coppers and Utensils used by Common Brewers, being (as they are) generally fixed, and of greater Value than the Utensils used by other Traders, the Utensils used by them, are a better Security than the Utensils used by other Traders.

Besides, the Times appointed for Common-Brewers to pay, being so much quicker than the Times appointed for other Traders, and their Duties being pretty high, there may be Reason to indulge them more than others.

But the Time allowed to Maltsters for the paying their Duties, being so very long, the Duties becoming due from some of them, may sometimes be lost, if more than ordinary Care is not taken for securing thereof; for they having a Month to enter, and, by the last Act, Four Months to pay, they may owe a great deal for Duty, before the Five Months are expired: And therefore, in Cases where there is Reason to apprehend or suspect that the Maltster may go off before the Time of Payment, it may be very adviseable, in such particular Cases, to examine and see, whether such Maltster hath made due and true monthly Entries of all the Malt he has made in such respective Month; and if he hath not, (as few of them do) then, to secure the Duty, an Information may, at the beginning of the Second Month, be laid against him, for not making a true Entry of the Malt which he made in the First Month; or at the beginning of the

Third

Third Month, an Information may be laid against him, for not making true monthly Entries of all the Malt by him made in the two preceding Months: And if Judgment be thereupon obtained for the Penalties for not making such Entries, such Judgment may go a good way towards the securing the Duties due from such suspected Maltsters.

And if such Judgments so obtained, be made use of only to secure the Duty, such Prosecution ought not to be thought hard; but in Cases of Hazard, it will be the Duty of the Collector to lay such Informations, for not making such true Entries, and to get such Judgments thereon: But unless for this, or for some other special Reason, the laying of such Informations for not making such true Entries, is not countenanced or approved of by the Commissioners and Managers of these Revenues; they not liking, that Traders should be made uneasy with unnecessary Prosecutions; but there may be other particular Reasons and Instances, in which the laying such Informations for not making true Entries, may sometimes be very necessary.

Tho' such suspected Maltster may have made an Entry of part of what he made in each Month, yet if such Entry or Entries do not contain the whole made in such Month or Months, an Information for Non-Entry may be laid, and Judgment obtained against him, notwithstanding such short or imperfect Entry; for a short Entry is in Law, as no Entry at all, it not being a True Entry, which is what the Law requires: And whether a Trader wholly omits to make any Entry at all, or whether he makes a short Entry, or false Entry, the Information may, in either of the said Cases, be general; viz. That such

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Trader did not make a true Entry; or did not make a true Entry of the Kinds and Quantities, &c. or the like, without particularly mentioning that such Entry was short, defective or false, in this or that Particular. For though at the Hearing of Informations for such defective Entries, it will be necessary to prove such particular Defect or Defects, yet that doth not make it necessary to mention such particular Defects in such Informations; but for that very Reason it may be omitted, *viz.* Because if upon a general Information, the Informer doth insist upon any particular Defect or Defects, he must then prove such Defect or Defects; therefore it will not be necessary for him to mention such Particulars in such Information.

If the Traders liable to pay these Duties are permitted to be many Months in Arrear, it will be a great Neglect in the Collectors; but if it should so happen, it will not always be necessary to lay Informations for the double Duty of all that is so in Arrear: But if the double Duty of one Month, or of one Six Weeks will be sufficient to answer not only all that is in Arrear, but also the Charges, it may, in such Case, be sufficient to lay an Information for the double Duty of such one Month, or of such one Six Weeks; and the rather, because if in the laying Informations for Duties charged near to the Time of laying such Informations, due Care is not taken in observing when the Times of Payment are fully expired, it may in some Instances happen, that such Informations, as to some part of the Duties in such Information, may be laid before the Time of Payment may be fully elapsed, which may occasion the Trouble of a special Judgment in such Case, *viz.* to give Judgment for the In-

former,

former, as to so much as such Information is properly laid for in Point of Time, and for the Defendant, as to so much as such Information happeneth to be improperly laid for in Point of Time: To avoid which, in Cases where the double Duty of one Month, or of one Six Weeks, will be sufficient to answer the whole Arrear, and also the Charges, it may be sufficient to lay the Information for the double Duty accrued in such one Month, or one Six Weeks.

The making use, in the manner before-mentioned, of a Judgment for not making a true Entry, in order to secure Duties really due, or of a Judgment for the double Duty accrued in one Month, or Six Weeks, in order to secure Duties then in Arrear for any former Month or Months, is agreeable to the Rules both of Law and Equity; for if one be indebted by Mortgage, and also by Simple Contract, or by Judgment and Simple Contract, even Equity will permit the Creditor to make use of such Mortgage, or Judgment, to secure what is due by Simple Contract.

It may, perhaps, seem hard, that in all Cases of Arrears, the Informations should be laid for the double Duty, especially against those whose being in Arrear, is not their Fault, but their Misfortune, viz. Such as would pay, if they had wherewith so to pay; but even in such Case the Information cannot be otherwise; for Informations cannot in these Cases be laid before Justices of the Peace, for the single Duties, because the Power and Jurisdiction which they (the Justices) have in these Cases, being derived and depending intirely on the Words in the said Act of 12 Car. II. Cap. 24. their Jurisdiction, and the manner of proceeding before them, must be guided and governed by the Words of that Act. Now there

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not being in that Act any Words whereby they (the Justices) are impowered to hear and determine Complaints or Informations touching or concerning the single Duties of Excise, &c. or touching and concerning the Arrears thereof; but their Power being by the exprefs Words of the said Act, to hear and determine *Forfeitures* and *Offences*; and the said *Forfeitures* and *Offences* being (as they are) the subject Matter of their Jurisdiction, they cannot receive or hear Informations for the single Duties only: But when Informations are to be laid for not paying such Duties, such Informations must be laid so, as to bring the Cause within the Jurisdiction of the Justices, and consequently must be laid for the *Forfeiture* in such Case, *viz.* For double the Value of the Duties; there being no other Method directed by the said Acts for the recovering before Justices of the Peace such Duties so in Arrear.

And as these Informations must be for double the Value of the Duties, so in Cases where the Facts mentioned in such Informations, are either confessed by the Defendants, or fully proved, the Judgments must also be for double the Value of the said Duties so proved to be in Arrear; and if the Judgments in such Cases, should be otherwise, they will not be Legal Judgments, because not conformable to the Directions of the said Acts; and the Warrants in such Cases must likewise be for the double Duty, because if they should be otherwise, they would not be Legal Warrants, as not being pursuant to such Judgments.

Nor can the Justices of the Peace regularly mitigate the Forfeitures of double Duty: For the Clause whereby they are impowered to mitigate Penalties and Forfeitures (as has already been observed)

observed) is not General and Unlimited, but is Restrained by the Words in that Clause, *viz.* So as by such Mitigation, the same, *viz.* the Forfeiture be not made less than Double the Value of the Duty of Excise, which should or ought to have been paid. The Forfeiture therefore in this Case, being no more than barely the double Duty, it cannot be mitigated by Virtue of the before-mentioned Clause; and there being no other Clause whereby the Justices are impowered to mitigate, they must not in such Case, either in the Body of their Judgment or Warrant, express or mention any such Mitigation, lest thereby the Proceedings be made Erroneous. But as Executions out of the Courts of *Westminster* on Judgments upon Bonds, are always made for the whole Penalties of such Bonds, because such Executions must pursue the Judgments, as the Foundations on which they issue, and by which they are justified and warranted; so must these Warrants also be for the whole double Duty: But it being usual to indorse upon such Executions out of the Courts of *Westminster*, the particular Sum which the Sheriff is to levy thereupon, *viz.* the Debt, Interest, and Charges; so the Justices, by Indorsements on these Warrants, may direct and appoint what particular Sum shall be levied and taken for the Charges in each particular Case, and may direct the Person or Persons, who is or are to execute such Warrants, not to take more than such Sum and the single Duties: And though the Justices should omit or forget to give such Directions, yet such Warrants, though made for the whole double Duty, must be so executed, and not otherwise; because by the Instructions prepared and printed by Order of the Commissioners, for the Collectors, it is expressly directed, That

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these Warrants be always executed with as much Civility and Ease to the Persons concerned, as may be, taking only the single Duty and reasonable Charges, which the Collectors are to endeavour to get the Justices to settle and apportion. And the Collectors are thereby farther ordered, not to insist upon double Duty, or on the Penalties for Non-Entry in any Case, except for particular Reasons, of which they are first to give the Commissioners an Account, and are to receive their Direction or Approbation therein, before they venture to exceed the before-mentioned general Order and Direction; as may be seen in the Collector's *Instructions*, Fol. 20.

So that though it may seem harsh in many of these Cases, to give Judgments and to grant Warrants for double the Value of the Duties in Arrear, yet when it is understood, that these Judgments and Warrants cannot legally be otherwise, the Justices of the Peace will not scruple the giving such Judgments, and granting such Warrants; since if the Collectors, or other Officers, should act contrary to the before-mentioned standing Orders and Instructions, such their acting would, upon Complaint thereof to the Commissioners, be soon redressed, and the Offenders in such Case would soon meet with a suitable Punishment.

Hereafter follow Forms of Informations in each of the respective Cases before-mentioned, viz. *For not making true Entries of Liquors or Manufactures made; and also other Forms of other Informations, for not paying the Duties due on the making such Liquors or Manufactures.* Between the one and the other, there is this Difference; In the Informations for not making such Entries, it is mentioned, that the Defendant
made

made such Liquors or other Manufactures, without expressing therein either the particular Quantity, or the Quality or Qualities of such Liquors or Manufactures, the same not being necessary to be mentioned in these Informations; because, let the Quantity of the Liquors or Manufactures be more or less, or the Quality thereof be either of one sort or another, yet still the Maker ought to make a true Entry thereof; as if one Common-Brewer should brew but once, and another two or three times in a Week; or if one Victualler should brew but once, and another Ten times in a Month; or if one should brew only Small-Beer, and the other should brew Ale, Strong-Beer, and Small-Beer; and if they should respectively neglect to make their Entries of what they respectively brewed, yet the respective Forfeitures in each of the said respective Cases, are the same; (that is) the Common-Brewer who neglects to make an Entry of such one only Guile, forfeits the same Sum of Money, as the other Common-Brewer who neglects to make an Entry of his several Guiles; and the Victualler who neglects to make an Entry of his one Guile, forfeits in like manner the same Sum of Money, as the other Victualler who neglects to make his Entry of his several Guiles; for the Forfeitures in the Cases of Non-Entries, are not in proportion to the Quantity or Quality of what is so neglected to be entered, but according to the Number of such Weekly or Monthly Neglects of such Entries.

Therefore, in Informations for not making such Entries as aforesaid, it is not necessary to mention the particular Quantity or Quality of the Liquors or other Manufactures so neglected to be entered; nor would the mentioning thereof, in
such

Of Informations for not paying Duties,

such Case, be of any manner of Use: But if such Informations are intended to be laid for more than one Neglect of such weekly or monthly Entry, it will in such Case be necessary in such Information, to mention the Number of such Weeks or Months, &c. wherein such Neglects were made; because the Forfeitures will be more or less, according to the Number of Weeks or Months in which such Neglects have been made.

But the Duties in these Cases, being more or less, in proportion to the Quantity or Quantities, and higher or lower, according to the Quality or Qualities of the Liquors or other Manufactures made, and not paid for; and the Forfeitures or Sums of Money forfeited by not duly paying those Duties, being double the Value of the said Duties, the said Forfeitures must of Consequence, be greater or less in proportion to the Quantities, and according to the Qualities of such Liquors or other Manufactures so made, and not paid for; (that is) as the Duties of Ten Barrels of Strong-Beer, is double as much as the Duties of Five Barrels of such Strong-Beer; so the Forfeiture for not paying the Duties for such Ten, is double as much as the Forfeiture for not paying the Duties for such Five Barrels; and as the Duties of any Number of Gallons of Low-Wines from Foreign Materials, is four times as much as the Duties of the like Number of Gallons of Low-Wines from Malt, so the Forfeiture for not paying the Duties in one Case, is four times as much as in the other; and as the Duties upon printing or painting any Quantity of Silks, (not being Silk-Handkerchiefs) is double as much as the Duty on printing or painting the like Quantity of Callicoes; and as the Duty upon printing or painting

painting any Quantity of Callicoes, is double as much as upon printing or painting the like Quantity of Linnens or Stuffs; the respective Forfeitures, in each of the said respective Cases, for not paying the Duties thereby accruing, are in the like Proportions.

And in all other such Cases, where the Rates and Duties are different, according to the different Qualities or Natures of the Liquors or Manufactures, there also the Qualities or Natures of such Liquors or Manufactures, ought to be mentioned in Informations for the double Value of such Duties; to the intent, that the Money to be recovered upon such Informations, may thereby be the better computed or ascertained.

And in all these Cases, it will be best to mention the true Quantities and Qualities of the Liquors or other Manufactures for which the Duties are unpaid: But if the true Quantities cannot be certainly known, when such Information is to be prepared, then be sure to mention rather more than less than the true Quantity; because if an Information be laid for less than the true Quantity, the Judgment cannot be for more than is mentioned in the Information, tho' more should be fully proved; but if the Information should be laid for more than is proved, yet such Information will be good and effectual for so much as is proved; and the Justices, in such Case, ought to give Judgment in proportion to so much as is so proved, and ought to acquit the Defendant of the Residue which is not proved.

Or if in such Information it should be alledged, that the Defendant brewed so many Barrels of Strong-Beer, so many Barrels of Ale, and so many Barrels of Small-Beer; and if upon the Hearing, Proof should be made of brewing only Strong

Informations and Proceedings for

Strong and Small beer, and no Proof should be made of brewing any Ale; or if Proof should be made of the brewing only of Ale and Small-Beer, and there should not be any Proof of the brewing any Strong-Beer; or if the Quantities proved, should be less than the Quantities mentioned in the Information; yet, in either of the said Cases, the Information would be maintain'd by such Proof; and the Judgment ought, in such Case, to be for the Informer, as to so much as should happen to be so proved; and for the Defendant, as to so much as should happen not to be so proved: For an Information laid for more than is proved, is a good Information, as to so much as is proved.

C H A P. II.

An Information for Arrears against a Common-Brewer, viz. For the Double Duty of Strong Beer and Ale, and of Small-Beer.

The Recording the Time and Place of laying the Information.

City of Norwich, ff. **B**E it Remember'd, That this Twentieth Day of *April*, in the Eleventh Year of the Reign of our Sovereign Lady Queen *ANNE* that now is, at the *City of Norwich*, in the County of the said City, *John Peele*, Gent. in his proper Person, as well for Her said Majesty, as for himself, exhibiteth to us *AB* and *CD*, Esqrs. Two of Her said Majesty's Justices of the Peace for the said City of *Norwich* and County of the said City, residing near

near to the Place where the Offence herein after mentioned was made, a Complaint and Information, and thereby informeth us, That at several Times between the last Day of *January*, and the Fifteenth Day of *March*, both now last past, at the City of *Norwich* aforesaid, in the County aforesaid; one *John Browne*, at a Common Brew-house then and there belonging to, and used by him, did brew several and respective Quantities of Beer and Ale; that is to say, Thirty Barrels of Strong-Beer and of Strong Ale, each above Six Shillings the Barrel, and Sixty Barrels of Small-Beer, not exceeding Six Shillings the Barrel; and that the said *John Browne*, at and during the respective Time and Times of brewing the said Beer and Ale, and of every part thereof, having been, and yet being there a Common-Brewer, there did accrue and become due to Her said Majesty from the said *John Browne*, for the said Beer and Ale so by him brewed as aforesaid, certain Rates, Duties and Sums of Money, amounting in the whole to Ten Pounds and Five Shillings of lawful *English* Money; which said Rates, Duties and Sums of Money so accrued, or any part thereof, the said *John Browne* hath not paid or cleared off, to, or for the Use of Her said Majesty, within a Week next after he, according to the Form of the Statute in such Case made and provided, did make, or ought to have made, his Entry or Entries of the said Beer and Ale so by him there brewed as aforesaid, or of any part thereof, or at any Time since; but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and provided; Whereby he hath forfeited double the Value of the said Rates, Duties and Sums of Money remaining unpaid, as

The Information.

The Offence.

The Forfeiture.

afore-

aforesaid; that is to say, Twenty Pounds and Ten Shillings of like Money. And thereupon the said *John Peele*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Fourth Part of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *John Browne* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. John Browne, Common-Brewer.

City of Norwich, ff. **W**E *A B and C D, Esqrs;*
Two of Her Majesty's
Justices of the Peace for the said City of *Norwich*,
and County of the said City, do hereby give
you Notice, That *John Peele* Gent. hath exhib-
ited before us an Information against you, for
the Sum of Twenty Pounds and Ten Shillings,
being double the Value of certain Duties of Ex-
cise of Beer and Ale by you brewed, the single
Duties whereof, you (as he alledgeth) ought
long since to have paid, but have neglected so
to do: You are therefore hereby required to ap-
pear before us, at the House of *Thomas Wilson*,
being the Sign of the *Castle*, an Inn and Publick
House in the said City of *Norwich*, on the First
Day of *May* now next ensuing, at Ten of the
Clock in the Forenoon of the same Day, then
and there to answer the said Information, and to
make Defence thereto. But if you neglect so
to do, we shall proceed as if you was personally
present.

And

Arrears of Duties of Excise.

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And we do farther authorize and require Mr. *Robert Saunders*, Officer of Excise, or any other Officer of Excise, to serve this our *Summons*, and to attend us at the Time and Place before mentioned, then and there to make a Return thereof to us the said Justices. Given under our Hands at the said City of *Norwich* this Twentieth Day of April, Anno Dom. 1712.

An Information against a Victualler, for Arrears, viz. for the Double Duty of Strong-Beer and Small-Beer, by him brewed and not paid for.

County of Hertford, ss. **B**E it Remembred, That The Recording of the Time and Place of laying the Information. this One and Thirtieth Day of *March*, in the First Year of the Reign of our Sovereign Lord King *GEORGE*, that now is, at *Ware* in the said County of *Hertford*, *John Wood*, Gent. in his proper Person, as well for his said Majesty, as for himself exhibiteth, to us *A B* and *C D* Esqrs. Two of his said Majesty's Justices of the Peace for the said County of *Hertford*, residing near to the Place where the Forfeiture herein after mentioned was made, a Complaint and Information, and thereby informeth us, That at several Times between the Second Day of *January*, and the Eight and Twentieth Day of *February*, both now last past, at *Ware* aforesaid, one *Ralph Field* at a Brew-House and Place of Brewing then and there belonging to, and used by him, did brew several and respective Quantities of Beer and Ale, that is to say, Twenty Barrels of Strong Beer and of Strong Ale, each above Six Shillings the Barrel, and Fifteen Barrels

*Informations and Proceedings for**The Of-
fence.**The Forfei-
ture.*

Barrels of Small Beer not above Six Shillings the Barrel; and that the said *Ralph Field*, at and during the respective Time and Times of Brewing the said Beer and Ale, and of every Part thereof, having been, and yet being there a Victualler and a Tapper out and Seller of Beer and Ale, there did accrue and become due to his said Majesty from the said *Ralph Field*, for the said Beer and Ale so by him there brewed, as aforesaid, certain Rates, Duties and Sums of Mony amounting in the whole to Six Pounds of lawful English Money, which said Rates, Duties, and Sums of Money so accrued, or any Part thereof, the said *Ralph Field* hath not paid or cleared off, to, or for the Use of his said Majesty within a Month next, after he (according to the Form of the Statute in such Case made and provided) did make, or ought to have made his Entry or Entries of the said Beer and Ale so by him there brewed, as aforesaid, or of any Part thereof, or at any time since, but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and provided, whereby he hath forfeited double the Value of the said Rates, Duties, and Sums of Money remaining unpaid, as aforesaid, that is to say, Twelve Pounds of like Money; and thereupon the said *John Wood*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Fourth Part of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *Ralph Field* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

The Form of a Summons for a Victualler, is the same as for a Common-Brewer, only instead of, Common-Brewer, use the Word, Victualler.

An

*An Information against a common Distiller
for Arrears, viz. for the double Duty.*

East-Riding of the County of York. } **B**E it Remembred, That on the *The Record-
ing the Time
and Place
of laying the
Information.*
sixth Day of April, in the first
Year of the Reign of our Sovereign Lord King **GEORGE**, that
now is, at *Beverley* in the East-Riding of the
County of *York*, *James Carter*, Gent. in his proper
Person, as well for his said Majesty, as for
himself, exhibiteth to us *A. B.* and *C. D.* Esqrs.
two of his said Majesty's Justices of the Peace
for the said East-Riding of the County afore-
said, residing near to the Place where the For-
feiture herein after mentioned was made, a
Complaint and Information, and thereby in-
formeth us, That at several Days and Times *The Informa-
tion.*
between the Thir! Day of *January* and the
First Day of *March*, both now last past, at *Bever-
ley* afore said, one *Henry Mason* at a Distilling-
House then and there belonging to, and used by
him; did make and distill several and respective
Quantities of Low-Wines, Spirits, and Strong-
Waters for Sale and Exportation, that is to say,
One Hundred and Twenty Gallons of such
Low-Wines from Foreign Materials, and from
a Mixture therewith; and Eighty Gallons of
such Strong Waters or Spirits of the Second Ex-
traction from the Low-Wines afore said; and
that the said *Henry Mason* (at, and during the
respective Time and Times of the Distilling and
Making thereof, and of every Part thereof,)
having been, and yet being there a common
Distiller and Maker of Low-Wines, Spirits, and
Strong-Waters for Sale and Exportation, there
K did

Informations and Proceedings for

did accrue and become due to his said Majesty, from the said *Henry Mason*, for the said Low-Wines, Spirits, and Strong Waters so by him made, as aforesaid, certain Rates, Duties, and Sums of Money, in the whole amounting to the

The Offence. Sum of Four Pounds of lawful English Money, which said Rates, Duties, and Sums of Money so accrued, or any Part thereof, the said *Henry Mason* hath not paid or cleared off, to, or for the Use of his said Majesty within a Month next after he (according to the Form of the Statute in such Case made and provided,) did make or ought to have made his Entry or Entries of the said Low-Wines, Spirits, and Strong Waters so by him made, as aforesaid, or of any Part thereof, or at any Time since; but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and

The Forfeiture. provided, whereby he hath forfeited, and ought to pay double the Value of the said Duties and Sums of Money so remaining unpaid, as aforesaid, that is to say, Eight Pounds of like Money: And thereupon the said *James Carter*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Fourth Part of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *Henry Mason* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

If it be for Low-Wines and Spirits from Malt, then thus, viz. Did make and distill several and respective Quantities of Low-Wines, Spirits, and Strong Waters for Sale and Exportation, that is to say, in the whole, One Hundred Gallons of such

Arrears of Duties of Excise.

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such Low-Wines from Wash, made from Malt, and also Sixty Gallons of such Strong Waters or Spirits of the Second Extraction from the Low-Wines aforesaid; and that at, and during, &c. (as in the Information next before.)

A Summons on the foregoing Information against a Distiller.

To Mr. Henry Maſon, Diſtiller.

East-Riding of the County of York. } **W** E A B. and C. D. Esqrs.
two of his Majesty's Ju-
stices of the Peace for the East-
Riding of the County of York, do
hereby give you Notice, That James Carter,
Gent. as well for his said Majesty, as for himself,
hath exhibited before us an Information against
you, for the Sum of Eight Pounds, being
double the Value of certain Duties of Excise of
Low-Wines, Spirits, and Strong Waters by you
made and distilled; the single Duties whereof
you (as he alledgeth) ought long since to have
paid, but have neglected so to do: You are there-
fore hereby required, &c. (as in the before-men-
tioned Summons against a common Brewer.)

*If the Spirits or Strong Waters are made of impor-
ted Cyder or Wine, they being foreign Materials, Note,
the Duties thereof are Six Pence per Gallon:
And therefore in such Case it must be in the
Information before-mentioned, that the Low-
Wines were made from foreign Materials,
or from imported Cyder, or from impor-
ted Wine, as the Case shall happen to be; and
that the Strong Waters and Spirits were made*
K 2 *from*

Informations and Proceedings for

from foreign Materials, or from imported Cyder, or imported Wine, as the Case happeneth to be. But Note, That Cyder actually made in any of the Islands of Guernsey, Jersey, Sark, or Alderney, of Fruit which grew there, is not to be deemed foreign Cyder; but Oath ought to be made that such Cyder is of the Growth of one of the said Islands.

An Information against a Retailer of Cyder for Arrears, viz. for the Double Duty thereof.

The Information.

North-Riding of } **B**E it Remembred, &c. (as in
the County of } the foregoing Information a-
York. } gainst a common Distiller,) That
one Thomas Arnold of Gisburgh, in the North-Riding aforesaid, at, and during the respective Times of Selling by Retail the Cyder herein after mentioned, having been, and yet being a Retailer of Cyder: He, the said Thomas Arnold, at divers Times between the Five and Twentieth Day of December, and the First Day of March, both now last past, at Gisburgh aforesaid, did sell by Retail several Quantities of Cyder, that is to say, Seven Hogsheads of Cyder, made in England, Wales, or Town of Berwick upon Tweed; and that there did accrue and become due to his said Majesty, from the said Thomas Arnold, for the Duties of such Cyder so made, and by him sold by Retail, as aforesaid, several Sums of Money, in the whole amounting to the Sum of Three Pounds, Fourteen Shillings, and Eight Pence, of lawful English Money, which said Duties so accrued, or any Part thereof, the said Thomas Arnold hath not paid or cleared

The Offence.

cleared off, to, or for the Use of his said Majesty, within a Month next after he (according to the Form of the Statute in such Case made and provided,) did make, or ought to have made his Entry or Entries of the said Cyder so by him retailed, as aforesaid, or of any Part thereof, or at any Time since; but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and provided, whereby he hath forfeited, and ought to pay double the Value of the said Duties and Sums of Money so remaining unpaid, as aforesaid, that is to say, Seven Pounds, Nine Shillings, and Four Pence of like Money; and thereupon the said *John Todd*, who as well, &c. humbly prays the Judgment of us, the said Justices in the Premises; and that he may have one Fourth Part of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *Thomas Arnold* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

The Forfeiture.

A Summons on the foregoing Information against a Retailer of Cyder.

To Mr. Thomas Arnold, Retailer of Cyder.

North-Riding of the County of York. } WE *AB* and *CD*, Esqrs. Two of his Majesty's Justices of the Peace for the North-Riding of the County of *York*, do hereby give you Notice, That *John Todd*, Gent. hath exhibited before us an Information against you, for the Sum of Seven Pounds, Nine Shillings, and Four Pence, being double the Value of cer-

Informations and Proceedings for

tain Duties of Excise upon Cyder, by you sold by Retail; the single Duties whereof you (as he alledgeth) ought long since to have paid, but have neglected so to do; you are therefore hereby required, &c. (as in the before-mentioned Summons against a Common-Brewer.)

An Information against a Chandler for Arrears, viz. for the Double Duty.

The Informa-
tion.

West-Riding of the County of York.

BE it Remembred, &c. (as in the foregoing Information against a common Distiller,) That at divers Days and Times between the se-

The Of-
fence.

cond Day of November, and the six and Twentieth Day of January, both now last past, at Leeds in the West-Riding aforesaid; one Thomas Wilson, did make one or more Parcel or Parcels of Tallow Candles, chargeable with the Duties laid on such Candles by the Statute in such Case made, that is to say, One Thousand Pounds Weight of such Tallow Candles; and that there did accrue and become due to His said Majesty, from the said Thomas Wilson for the said Candles, so by him made, as aforesaid, several Duties and Sums of Money, in the whole amounting to the Sum of Four Pounds, Three Shillings and Four Pence of lawful English Money, which said Duties so accrued, or any Part thereof, the said Thomas Wilson hath not paid or cleared off, to, or for the Use of his said Majesty, within Six Weeks next after he (according to the Form of the Statute in such Case made and provided,) did make or ought to have made his Entry or Entries of the said Candles so by him made, or of any Part thereof, or at any Time

Arrears of Duties of Excise.

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Time since, but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and provided; whereby he hath forfeited, and ought to pay double the Value of the said Duties so remain-^{The For-}ing unpaid, as aforesaid, that is to say, Eight ^{feiture.} Pounds, Six Shillings, and Eight Pence of like Money; and thereupon the said *Edward Rawsthorne*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *Thomas Wilson* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information against a Chandler.

To Mr. Thomas Wilson, Chandler.

West-Riding of **WE** *AB and CD Esqrs. Two*
the County of **W** *of his Majesty's Justices*
York. **of the Peace for the West-Ri-**
ding of the County of York, do
hereby give you Notice, That *Edward Rawsthorne*, Gent. hath exhibited before us an Information against you, for the Sum of Eight Pounds, Six Shillings, and Eight Pence, being double the Value of certain Duties upon Candles by you made; the single Duties whereof you (as he alledgeth) ought long since to have paid, but have neglected so to do: You are, &c. (as in the Summons against a common Brewer.)

*A. Information against a Maltster for Ar-
rears, viz. for the Double Duty.*

*The Recor-
ding the
Time and
Place of
Laying the
Informa-
tion.*

*The Infor-
mation.*

*The Of-
fence.*

Kent. *ff.* **B**E it Remembred, That this Six and Twentieth Day of February, in the Second Year of the Reign of our Sovereign Lord King GEORGE, that now is; at Maidstone in the said County of Kent, Philip Bamford, Gent. in his proper Person, as well for his said Majesty, as for himself; exhibiteth to us *AB* and *CD*, Esqrs. Two of His said Majesty's Justices of the Peace for the said County of Kent, residing near to the Place where the Forfeiture herein after mentioned was made, a Complaint and Information; and thereby informeth us, That at divers Days and Times between the Second Day of September, and the Nine and Twentieth Day of October, both now last past, at Maidstone aforesaid; one Thomas Atwood, did make one or more Parcel or Parcels of Malt, chargeable with the Duties laid on such Malt by the Statute in such Case made, that is to say, in the whole Two Thousand Bushels of Malt; and that there did accrue and become due to His said Majesty from the said Thomas Atwood for the said Malt so by him made, as aforesaid, certain Rates, Duties, and Sums of Money, in the whole, amounting to the Sum of Fifty Pounds of lawful English Money; which said Duties so accrued, or any Part thereof, the said Thomas Atwood hath not paid or cleared off, to, or for the Use of His said Majesty, within Four Months next after he (according to the Form of the Statute in such Case made and provided) did make or ought to have made his Entry or Entries of the said Malt so by him made,

or

or of any Part thereof, or at any Time since; but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and provided, whereby he hath forfeited, and ought to pay double the Value of the said Duties so remaining unpaid, as aforesaid, that is to say, One Hundred Pounds of like Money; and thereupon the said *Philip Bamford*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture according to the Form of the Statute in such Case made; and that the said *Thomas Atwood* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

The Forfeiture.

A Summons on the foregoing Information against a Maltster.

To Mr. Thomas Atwood, Maltster.

Kent, ss. **W**E *AB* and *CD*, Esqrs. Two of His Majesty's Justices of the Peace for the County of *Kent*, do hereby give you Notice, That *Philip Bamford*, Gent. as well for His said Majesty, as for himself, hath exhibited before us an Information against you for the Sum of One Hundred Pounds, being double the Value of the Duty upon Malt by you made; the single Duty whereof you (as he alledgeth) ought long since to have paid, but have neglected so to do: You are, &c. (as in the Summons against a Common-Brewer.

An

Informations and Proceedings for

*An Information against a Sope-maker for Ar-
rears, viz. for the Double Duty of Sope.*

*The Recor-
ding the
Time and
Place of
laying the
Informati-
on.*

*Division of Lincoln-
shire, called Kestevan
Division.*

BE it Remembred, That on
the Two and twentieth
Day of December, in the Se-
cond Year of the Reign of

*The Infor-
mation.*

*The of-
fence.*

our Sovereign Lord King GEORGE that now is,
at *Sleford*, in the Division of the County of *Lin-
coln* called *Kestevan* Division, *George Spang*, Gent.
in his proper Person, as well for His said Majesty,
as for himself, exhibiteth to us *AB* and *CD* Esqrs.
Two of His said Majesty's Justices of the Peace
for the Division aforesaid residing near to the
Place where the Forfeiture herein after mentioned
was made, a Complaint and Information, and
thereby informeth us, That at divers Days and
Times between the Two and twentieth Day of
September, and the Fourth Day of *November*, both
now last past, at *Sleford* aforesaid, one *James
Collier* did make one or more Parcel or Parcels of
Sope, that is to say, Two thousand Pounds
Weight of Sope; and that there did accrue and
become due to His said Majesty from the said
James Collier for the said Sope so by him
made as aforesaid, certain Rates, Duties and
Sums of Money, in the whole amounting to
the Sum of Twelve Pounds and Ten Shillings
of lawful *English* Money; which said Duties so
accrued, or any part thereof, the said *James
Collier* hath not paid or cleared off, to or for the
Use of His said Majesty, within Six Weeks next
after he, according to the Form of the Statute
in such Case made and provided, did make, or
ought to have made his Entry or Entries of the
said

said Sope so by him made, or of any part thereof, or at any time since; but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and provided; Whereby he hath forfeited and ought to pay double the Value of the said Duties and Sums of Money so remaining unpaid as aforesaid, that is to say, Five and twenty Pounds of like Money; and thereupon the said *George Spong*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made, and that the said *James Collier* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

The Forfeiture.

A Summons on the foregoing Information against a Sope-maker.

To Mr. James Collier, Sope-maker.

Division of Lincolnshire, called Kestevan Division.

WE *A B* and *C D*, Esqs. Two of His Majesty's Justices of the Peace for the Division of Lincolnshire called *Kestevan* Division, do hereby give you Notice, That *George Spong*, Gent. as well for His said Majesty, as for himself, hath exhibited before us an Information against you for the Sum of Five and twenty Pounds, being double the Value of the Duties upon Sope by you made; the single Duty whereof you (as he alledgeth) ought long since to have paid, but have neglected so to do; you are, &c. (as in the Summons against a Common-Brewer.

An

Informations and Proceedings for

An Information against a Paper-maker for Arrears, viz. for the Double Duty of Paper.

The Recording the Time and Place of laying the Information.

Division of Lincoln-shire, called Holland Division.

BE it Remembred, That on the Seven and twentieth Day of January, in the Second Year of the Reign of

our Sovereign Lord King GEORGE that now is, at *Spalding* in the Division of the County of *Lincoln* called *Holland-Division*, *George Strong*, Gent. in his proper Person as well for His said Majesty, as for himself, exhibiteth to us *AB* and *CD*, Esqrs. Two of His said Majesty's Justices of the Peace for the Division aforesaid, residing near to the Place where the Forfeiture herein after mentioned was made, a Complaint and Information; and thereby informeth us, That at divers Days and Times between the Eight and twentieth Day of *October*, and the Tenth Day of *December*, both now last past, at *Spalding* aforesaid, one *James Philips* did make several Parcels of Paper of several sorts and kinds, that is to say, Fifty Reams of Paper usually called or known by the Name of *Demy Fine*, Thirty Reams of Paper usually called or known by the Name of *Crown Fine*, and Twenty Bundles of Paper usually called or known by the Name of *Whited Brown*; and that there did accrue and become due to His said Majesty from the said *James Philips* for the Duties of the said Paper so by him made as aforesaid, several Sums of Money, in the whole amounting to the Sum of Five Pounds and Fifteen Shillings of lawful *English* Money; which said Duties so accrued, or any part thereof, the said *James Philips* hath not paid or cleared off, to or for the Use of His said

The Information.

The Offence.

said Majesty, within Six Weeks next after he, according to the Form of the Statute in such Case made and provided, did make, or ought to have made his Entry of the said Paper so by him made, or of any Part thereof, or at any Time since; but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made: Whereby he hath forfeited and ought to pay double the Value of the said Duties and Sums of Money so remaining unpaid as aforesaid, that is to say, Eleven Pounds and Ten Shillings of like Money. And thereupon the said *George Strong*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *James Philips* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

*A Summons on the foregoing Information
against a Paper-maker.*

To Mr. James Philips, Paper-maker.

*Division of Lincoln-
shire, called Hol-
land-Division.*

WE *AB* and *CD*, Esqrs.
Two of His Majesty's
Justices of the Peace for the
Division of *Lincoln-shire* called *Holland-Division*, do hereby give you Notice,
That *George Strong*, Gent. as well for His said Majesty, as for himself, hath exhibited before us an Information against you for the Sum of Eleven Pounds and Ten Shillings, being double the Value of the Duties upon Paper by you made;
the

Informations and Proceedings for

the single Duties whereof you (as he alledgeth) ought long since to have paid, but have neglected so to do; you are, &c. (as in the Summons against a Common-Brewer.)

An Information against a Starch-maker for Arrears, viz. for the Double Duty.

The Recording the Time and Place of laying the Information.

Division of Lincoln-shire, call'd Lindsey Division.

BE it Remembred, That on the Seventeenth Day of December, in the Second Year of the Reign of our

Information.

Sovereign Lord King GEORGE that now is, at Grimsby, in the Division of the County of Lincoln called Lindsey Division, Richard George, Gent. in his proper Person, as well for His said Majesty, as for himself, exhibiteth to us *AB* and *CD*, Esqrs. Two of his Majesty's Justices of the Peace for the Division aforesaid, residing near to the Place where the Forfeiture herein after mentioned was made, a Complaint and Information; and thereby informeth us, That at divers Days and Times between the Ninth Day of *August*, and the Fourth Day of *November*, both now last past, at Grimsby aforesaid, one *Stephen King* did make one or more Parcel or Parcels of Starch, that is to say, in the whole, Four thousand Pounds Weight of Starch, and that there did accrue and become due to His said Majesty from the said *Stephen King*, for the said Starch so by him made as aforesaid, certain Rates, Duties and Sums of Money, in the whole amounting to the Sum of Twenty five Pounds of lawful *English* Money; which said Duties so accrued, or any part thereof, the said *Stephen King* hath not paid or cleared off, to, or for the Use of His said Majesty, within Six Weeks next after

The Offence.

after he, according to the Form of the Statute in such Case made and provided, did make, or ought to have made his Entry or Entries of the said Starch by him made as aforesaid, or of any part thereof, or at any Time since, but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and provided; whereby he hath forfeited and ought to pay double the Value of the said Duties ^{The Forfeiture} so remaining unpaid as aforesaid, that is to say, Fifty Pounds of like Money: And thereupon the said *Richard George*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made, and that the said *Stephen King* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information against a Starch-maker.

To Mr. Stephen King, Starch-maker.

Division of Lincoln-shire, called Lindsey Division. } **W** *E A B and C D, Esqrs.*
Two of His Majesty's Justices of the Peace for the Division of *Lincoln-shire* called *Lindsey* Division, do hereby give you Notice, That *Richard George* Gent. as well for His said Majesty, as for himself, hath exhibited before us an Information against you, for the Sum of Fifty Pounds being double the Value of the Duties of Starch by you made; the single Duties whereof you (as he alledgeth) ought long since to have paid,

Informations and Proceedings for

paid, but have neglected so to do; you are therefore, &c. (as in the Summons against a Common-Brewer.)

*An Information against a Callicoe-Printer
for Arrears, viz. for the Double Duty of
Callicoes and Linnens.*

*The Recording the
Time and
Place of laying
the Information.*

The Information.

The Offence.

Middlesex, ss. **B**E it Remembred, That this Twentieth Day of February, in the Second Year of the Reign of our Sovereign Lord King GEORGE that now is, at Brentford in the County of Middlesex, Pencston Asty, Gent. in his proper Person, as well for His said Majesty, as for himself, exhibiteth to us *AB and CD, Esqrs.* Two of His said Majesty's Justices of the Peace for the said County, residing near to the Place where the Forfeiture herein after mentioned was made, a Complaint and Information; and thereby informeth us, That at divers Days and Times between the Ninth Day of October, and the Second Day of January, both now last past, at Brentford in the said County of Middlesex, one *Thomas Allen* did print, paint, stain and dye several Yards square of Callicoes and Linnens, that is to say, Two thousand Yards square of Callicoes and Fifteen hundred Yards square of Linnen; and that there did accrue and become due to his said Majesty from the said *Thomas Allen*, for the said Callicoes and Linnens so by him printed, painted, stained and dyed as aforesaid, certain Rates, Duties and Sums of Money, in the whole amounting to the Sum of Sixty eight Pounds and Fifteen Shillings of lawful English Money; which said Duties so accrued, or any part thereof, the said *Thomas Allen* hath not paid

or

or cleared off, to or for the Use of His said Majesty within Six Weeks next after he, according to the Form of the Statute in such Case made and provided, did make, or ought to have made his Entry or Entries of the said Callicoes and Linnens, so by him printed painted, stained and dyed as aforesaid, or of any part thereof, or at any Time since; but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and provided; whereby he hath forfeited *The Forfeiture.* and ought to pay double the Value of the said Duties so remaining unpaid as aforesaid, that is to say, One Hundred and thirty seven Pounds and Ten Shillings of like Money; and thereupon the said *Peneston Asty*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made, and that the said *Thomas Allen* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

Note, *Though in the foregoing Information it is mentioned, that the Callicoes and Linnens were printed, painted, stained and dyed, yet such mentioning thereof in that manner, doth not make it necessary to prove, that all those Operations were performed, viz. That the said Callicoes and Linnens were not only printed, but that they were also painted, stained and dyed; for the Act of Parliament having laid the Duty upon any one of those Operations, the Duty accrues and becomes a Debt vested in the Crown on the performing of any of them; and perhaps some of the said Callicoes and Linnens were only printed, others only*

L

dyed;

Informations and Proceedings for

dyed, and others perhaps both printed and painted, or both dyed and painted: and therefore it will be best in these Cases to mention all the several Operations; and if Proof be made of any one of the said Operations, such Proof will be sufficient to maintain the Information.

The Duties upon printing, &c. Silks for Handkerchiefs, being different from the Duties on printing other Silks, it will be proper in Informations for the Duties on printing, &c. Silks, to distinguish whether they are Silks for Handkerchiefs, or other Silks, thus; viz.

If they be Silks for Handkerchiefs, then thus, viz. Did print, paint, stain and dye One Hundred Yards square of Silks, being Silk Handkerchiefs.

If other Silks, then thus, viz. Did print, paint, stain and dye One Hundred Yards square of Silks, not being Silk Handkerchiefs.

A Summons on the foregoing Information against a Printer of Callicoes and Linnens.

To Mr. Thomas Allen, Printer of Callicoes, &c.

Middlesex, ss. WE AB and CD, Esqrs. Two of His Majesty's Justices of the Peace for the said County of Middlesex, do hereby give you Notice, That Peneston Astry, Gent. as well for his said Majesty, as for himself, hath exhibited before us an Information against you for the Sum of One Hundred and thirty seven Pounds and Ten Shillings, being double the Value of the Duties of Callicoes and Linnens by you printed, painted, stained and dyed; the
sing'e

single Duties whereof you (as he alledged) ought long since to have paid, but have neglected so to do: You are therefore, &c. (as in the Summons against a common Brewer.)

An Information against a Maker of Vinegar, for Arrears, viz. for the Double Duty.

Kent, ss. **B**E it Remembred, That this Ninth ^{The Recording the Time and Place of laying the Information.} Day of March, in the Second Year of the Reign of our Sovereign Lord King GEORGE, that now is; at Bromley, in the County of Kent, Philip Bamford, Gent. in his proper Person, as well for His said Majesty, as for himself, exhibiteth to us *AB* and *CD*, Esqrs. Two of His said Majesty's Justices of the Peace for the said County, residing near to the Place where the Forfeiture herein after mentioned was made, a Complaint and Information; and thereby informeth us, That at divers Days ^{The Information.} and Times between the Seventeenth Day of January, and the Fifteenth Day of February, both now last past, at Bromley in the said County of Kent, one Jasper Smith, did make several Quantities of Vinegar for Sale; that is to say, six Barrels of Vinegar for Sale; and that (at, and during the respective Time and Times of Making the said Vinegar, and of every part thereof,) he was, and yet is a Maker of Vinegar for Sale; and that there did accrue and become due to His said Majesty, from the said Jasper Smith, for the said Vinegar so by him made, as aforesaid, certain Rates, Duties and Sums of Money, in the whole amounting to the Sum of Two Pounds, Twelve Shillings, and Six Pence of lawful English Money, which said Duties so ^{The Of-} accrued, ^{for} *ss.*

Informations and Proceedings for

accrued, or any part thereof, the said *Jasper Smith* hath not paid or cleared off, to, or for the Use of His said Majesty within a Month next after he (according to the Form of the Statute in such Case made and provided,) did make or ought to have made his Entry or Entries of the said Vinegar so by him made, or of any part thereof, or at any Time since; but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and provided; whereby he hath forfeited, and ought to pay double the Value of the said Duties so remaining unpaid, as aforesaid, that is to say, Five Pounds and Five Shillings of like Money; and thereupon the said *Philip Bamford*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Fourth part of the said Forfeiture, according to the Form of the Statute in such Case made, and that the said *Jasper Smith* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

The Forfeiture.

A Summons on the foregoing Information against a Vinegar-Maker.

To Mr. Jasper Smith, Maker of Vinegar.

Kent, ss. **WE** *AB* and *CD*, Esqrs. Two of His Majesty's Justices of the Peace for the County of *Kent*, do hereby give you Notice, That *Philip Bamford*, Gent. as well for His said Majesty, as for himself, hath exhibited before us an Information against you, for the Sum of Five Pounds and Five Shillings, being

Arrears of Duties of Excise.

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ing double the Value of the Duties of Vinegar by you made for Sale, the single Duties whereof, you (as he alledgeth) ought long since to have paid, but have neglected so to do: You are therefore, &c. (as in the Summons against a common Brewer.)

An Information and Summons against a Maker of Sweets for the double Duty of Sweets, may be in the like Form as before against a Vinegar-Maker, inserting the Word Sweets instead of Vinegar.

An Information against a Mead-Maker for Arrears, viz. for the Double Duty of Mead.

Essex, ss. **B**E it Remembred, That on the second ^{The Recording the Time and Place of laying the Information.} Day of April, in the First Year of the Reign of our Sovereign Lord King GEORGE, that now is; at Chelmsford in the County of ^{Essex}, William Milton, Gent. in his proper Person, as well for his said Majesty, as for himself, exhibiteth to us *AB* and *C D*, Esqrs. Two of His said Majesty's Justices of the Peace for the said County, residing near to the Place where the Forfeiture herein after-mentioned was made, a Complaint and Information; and thereby informeth us, That one *James Harris* of Chelmsford ^{The Information.} in the said County of *Essex*, at, and during the respective Time and Times of the Making the Mead herein after-mentioned, having been, and yet being a Maker of Mead; he, the said *James Harris* at divers Days and Times between the first Day of *January*, and the Seven and Twentieth Day of *February*, both now last past, at Chelmsford aforesaid, did sell several Quantities of Mead,

*Informations and Proceedings for**The Of-
fence.**The Forfei-
ture.*

that is to say, One Hundred Gallons of Mead, which had been there made by him the said *James Harris*; and that there did accrue and become due to His said Majesty, from the said *James Harris*, for the said Mead so by him made and sold as aforesaid, certain Rates, Duties and Sums of Money, in the whole amounting to the Sum of Four Pounds, Eleven Shillings, and Eight Pence, of lawful English Money, which said Duties so accrued, or any part thereof, the said *James Harris* hath not paid or cleared off, to, or for the Use of His said Majesty, within a Month next after he (according to the Form of the Statute in such Case made and provided,) did make, or ought to have made his Entry or Entries of the said Mead so by him made and sold, as aforesaid, or of any part thereof, or at any Time since, but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and provided; whereby he hath forfeited, and ought to pay double the Value of the said Duties so remaining unpaid, as aforesaid; that is to say, Nine Pounds, Three Shillings, and Four Pence of like Money; and thereupon the said *William Milton*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Fourth Part of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *James Harris* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Sum-

*A Summons on the foregoing Information
against a Mead-maker.*

To Mr. James Harris, a Maker of Mead.

Essex, ss. **W**E *A B* and *C D*, Esqrs. Two of his Majesty's Justices of the Peace for the County of *Essex*, do hereby give you Notice, That *William Milton*, Gent. as well for his said Majesty, as for himself, hath exhibited before us an Information against you, for the Sum of Nine Pounds, Three Shillings, and Four Pence, being double the Value of the Duties of Mead by you made and sold; the single Duties whereof you (as he alledgeth) ought long since to have paid, but have neglected so to do: You are therefore, &c. (as in the Summons against a common Brewer.)

An Information against a First Buyer of Cyder, for Arrears, viz for the Double Duty.

Sussex, ss. **B**E it Remember'd, That on the First Day of February, in the Second Year of the Reign of our Sovereign Lord King *GEORGE*, that now is; at *Horsham* in the County of *Sussex*, *William Rutherford*, Gent. in his proper Person, as well for His said Majesty, as for himself, exhibiteth to us *A B* and *C D*, Esqrs. Two of His said Majesty's Justices of the Peace for the said County, residing near to the Place where the Forfeiture herein after mentioned was made, a Complaint and Information; and thereby informeth us, That between the Second Day

The Recording the Time and Place of laying the Information.

*7th of Inform-
ation.*

Informations and Proceedings for

*The
Offence.*

The Forfeiture.

of *November*, and the Nine and Twentieth Day of *December*, both now last past, at *Horsham* in the said County of *Sussex*, one *Richard Andrews* was the first Buyer of Six Hogsheads of Cyder, made in *Great-Britain* for Sale; and that there did accrue and become due to his said Majesty, from the said *Richard Andrews* for the said Cyder so by him bought as aforesaid, certain Rates, Duties and Sums of Money, in the whole amounting to the Sum of one Pound and four Shillings of lawful English Money, which said Duties so accrued, or any part thereof, the said *Richard Andrews* hath not paid or cleared off, to, or for the Use of his said Majesty within one Month next after he (according to the Form of the Statute in such Case made and provided) did make or ought to have made his Entry or Entries of the said Cyder so by him bought, as aforesaid, or of any part thereof, or at any Time since, but the same yet remain wholly due and unpaid, contrary to the Form of the said Statute in such Case made and provided; whereby he hath forfeited, and ought to pay double the Value of the said Duties so remaining unpaid, as aforesaid, that is to say; Two Pounds and Eight Shillings of like Money; and thereupon the said *William Rutherford*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *Richard Andrews* may be summoned to answer the said Premises, and to make Defence thereunto before us the said Justices.

A Sum-

*A Summons on the foregoing Information
against a first Buyer of Cyder.*

To Mr. Richard Andrews, first Buyer of Cyder.

Suffex, ff. **W**E *AB and CD, Esqrs;* Two of His Majesty's Justices of the Peace for the County of *Suffex*, do hereby give you Notice, That *William Rutherford, Gent.* as well for His said Majesty, as for himself, hath exhibited before us an Information against you as first Buyer of Cyder, for the Sum of Two Pounds and Eight Shillings, being double the Value of the Duty of Cyder arising upon such first buying thereof; the single Duty whereof, you (as he alledgeth) ought long since to have paid, but have neglected so to do: You are therefore, &c. (as in the Summons against a common Brewer.

C H A P. III.

*Informations for not making True
Entries.*

*An Information against a Maltster for not
making a True Entry of Malt made in
Two Months.*

County of Wilts, ff. **B**E it Remembred, That this <sup>The Re-
cording
the Time
and Place
of laying
the Infor-
mation.</sup> second Day of January, in the first Year of the Reign of our Sovereign Lord King *GEORGE*, that now is, at *Chippen-*

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*The Inf-
mation.*

*The Of-
fence.*

ham in the said County of *Wilts*, *Edward Witherington*, Gent. in his proper Person, as well for His said Majesty, as for himself, exhibiterh to us *AB* and *CD*, Esqrs. Two of His said Majesty's Justices of the Peace for the said County, residing near to the Place where the Forfeiture herein after mentioned was made, a Complaint and Information; and thereby informeth us, That according to the Form of the Statute in such Case made, an Office of Excise hath for several Years now last past, been, and yet is publicly and constantly kept at and in *Chippenham* afore said, by a proper Officer of the same, thereunto duly constituted, appointed, and qualified, and duly attending at the said Office, according to the Direction of the said Statute; and that at several Times within a Month to be computed from the last Day of *October*, now last past, and at several Times within another Month, to be computed from the last Day of *November*, now last past, within the Limits of the said Office, that is to say, at *Bowden* in the said County of *Wilts*, one *Christopher Harris* did make Malt, and at and during the Time and Times of the Making thereof, and of every part thereof; he, the said *Christopher Harris*, was and yet is there a Maltster and Maker of Malt, and did not compound for the Duties of the said Malt; and as such Maltster and Maker of Malt at the Office of Excise before-mentioned; (being the next Office of Excise to the Place where he so made the said Malt, as afore said) He, the said *Christopher Harris* in each of the said Months ought to have made a true Entry of all the Malt by him there so made in that Month respectively, according to the Form of the Statute in that Case made and provided: but that the said *Christopher Harris*

Informations for not making True Entries.

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Harris hath not at the said Office (being the next Office of Excise) or at any other Office of Excise, made such true Entry or Entries thereof, but such true Entry or Entries so to make, hath voluntarily and fraudulently neglected and omitted, contrary to the Form of the said Statute; whereby he within the Time aforesaid, having omitted and neglected as aforesaid, to make Two Monthly Entries of the Malt by him so made, as aforesaid; he, for every and each of the said Omissions and Neglects as aforesaid, hath forfeited Ten Pounds of lawful English Money, that is to say, ^{The For-} in the whole Twenty Pounds of like Money; and thereupon the said *Edward Withington*, who as well, &c. humbly prays the Judgment of us, the said Justices in the Premises; and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *Christopher Harris* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. Christopher Harris, Maltster.

County of Wilts, ss. **W**E *AB* and *CD*, Esqrs.
Two of His Majesty's Justices of the Peace for the said County of *Wilts*, do hereby give you Notice, That *Edward Withington*, Gent. hath exhibited before us an Information against you for the Sum of Twenty Pounds, by you forfeited, by reason of your not making at the next Excise-Office, true Entries of Malt by you made in Two several Months, viz. one computed

156 *Informations for not making True Entries.*

computed from the last Day of *October*, and the other from the last Day of *November*, now last past: You are therefore hereby required to appear before us, at the House of, &c. (as before in other Summons.)

An Information against a Paper-Maker for not making a true Entry of Paper by him made in Six Weeks.

The Recording the Time and Place of laying the Information. County of Hertford, ss. **B**E it Remembred, That this Fifteenth Day of *March*, in the First Year of the Reign of our Sovereign Lord King *GEORGE*, that now is; at *Hatfield* in the said County of *Hertford*, *Richard Backwell*, Gent. in his proper Person, as well for His said Majesty, as for himself, exhibiteth to us *A B* and *C D* Esqrs. Two of His said Majesty's Justices of the Peace for the said County, residing near to the Place where the Forfeiture herein after mentioned was made, a Complaint and Information; and thereby informeth us, That according to the Form of the Statute in such Case made, an Office of Excise and for the Duties on Paper hath for several Years now last past been and yet is publickly and constantly kept at and in *Hatfield* aforesaid, by a proper Officer of the same, thereunto duly constituted, appointed and qualified, and duly attending at the said Office according to the Direction of the said Statute; and that at several Times in Six Weeks to be computed from the fifteenth Day of *January* now last past, within the Limits of the said Office, that is to say, at *Hatfield* aforesaid, one *William Shepheard* did make one or more sort or sorts, kind or kinds of Paper,

The Information.

Informations for not making True Entries. 157

per, which within the Time aforesaid was and were made fit for use; and at the Office before-mentioned being the Office of Excise and for the said Duties on Paper next to the Place where the said Paper was made; he, the said *William Shepheard* (according to the Form of the Statute in such Case made) ought in the said six Weeks to have made a true Entry in Writing of all the Paper by him so made fit for Use within the said six Weeks, and that such Entry ought to have contained the just Kinds and Quantities of the said Paper so by him made fit for Use as aforesaid; ^{The Of-} but that the said *William Shepheard* hath not at the ^{fence.} said Office, being the next Office of Excise and for the said Duties, or at any other Office of Excise, or for the said Duties on Paper made such true Entry thereof, but such true Entry so to make, hath voluntarily and fraudulently neglected and omitted, contrary to the Form of the said Statute, whereby he hath forfeited Fifty Pounds of law-^{The Forfei-} ful English Money: And thereupon the said ^{ture.} *Richard Backwell*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *William Shepheard* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A

158 *Informations for not making True Entries.*

A Summons on the foregoing Information.

To Mr. William Shephard, Paper-maker.

County of Hertford, ss. WE AB and CD, Esqs; two of His Majesty's Justices of the Peace for the said County of *Hertford*, do hereby give you Notice, That *Richard Backwell*, Gent. hath exhibited before us an Information against you for the Sum of Fifty Pounds by you forfeited, by Reason of your not making at the next Excise-Office, a true Entry of the several sorts or kinds of Paper by you made fit for Use in six Weeks, to be computed from the fifteenth Day of *January*, now last past: You are therefore hereby required to appear before us, at the House of, &c. (as before in other Summons.)

An Information against a Maker of Candles, for not making a True Entry of Candles.

County of D. ss. BE it Remembred, &c. (as in the foregoing Information against a Paper-Maker.) And that at several Times in six Weeks, to be computed from the last Day of *April*, now last past, within the Limits of the said Office, that is to say, at *B.* in the said County of *D.* one *WD* did make Tallow-Candles of several Sizes, and at the Office before-mentioned being the Office of Excise next to the Place where the said Candles were made, he the said *WD* (according to the Form of the Statute

The Information.

Informations for not making True Entries. 159

tute in such Case made) ought to have made a true Entry in Writing of all the said Candles so by him made, as aforesaid, and that such Entry ought to have contained the Weight, Number, and Size of the Candles therein mentioned respectively, and what Quantity thereof was made at each Course in the several Weeks to which such Entry should have related; but that the said *WD* hath not made such true Entry at the Office before-mentioned, or at any other Office of Excise, but hath wholly neglected to make such true Entry, contrary to the Form of the Statute; whereby he hath forfeited Twenty Pounds, &c. (as before in other Informations for not making true Entries.)

According to the Forms of the Informations next before, other like Informations may be drawn against other Manufacturers for not making true Entries according to the respective Clauses in the several Acts of Parliament, requiring such Entries to be made, (that is) by the Excise Acts Common-Brewers are to make their Entries once in every Week; Inn-Keepers, Victuallers, and Retailers of Cyder, Perry, Mashinglin, and Mead, making and retailing the same, are to make their Entries once in every Month; Distillers, Vinegar-Makers, Maltsters, and Refiners, and Drawers of Wire, are to make their Entries once in every Month.

Makers of Candles, Soap, Paper, and Starch, and Printers and Painters of Paper for Hangings, and Printers and Painters of Silks, Callicoes, Linens, and Stuffs, (out of the Weekly Bills of Mortality) are to make their respective Entries once in every six Weeks: When therefore there is Occasion to lay Informations against any of these, such Informations

Of Informations for not giving Notice.

tions must respectively be laid for not making such Entries every Week, Month, or six Weeks, according to the said different Manufactures, on Account whereof such Information shall be so laid.

C H A P. IV.

Of the Clauses requiring Notice to be given of Places and Utenfils for making and working Manufactures charged with Duties.

THAT the Officers may know to what Places to resort for the taking Accounts of all Manufactures chargeable with the Duties of Excise, &c. and that the doing thereof may be practicable and easie, and that Persons liable to these Duties may not escape and avoid being duly charged therewith by means of their making such Liquors or Manufactures privately; the severall and respective Acts of Parliament relating to these Duties do require, That such Persons as are Chargeable with the said Duties (before they begin to make or work such Manufactures) do give Notice at the next Office of Excise, or Office for the said respective Duties, of their Names and Places of Abode, and of all the Work-Houses, Ware-Houses, Store-Houses, Rooms, and Places by them intended to be used, either for the laying and keeping the Materials to be used for the making, working, or finishing such Manufactures, or for the laying and keeping thereof

thereof when made, and also of all Utensils and Vessels by them intended to be used in the preparing, working, or making such Manufactures; and as such Persons shall or do from Time to Time remove from one Place to another, or change their Work-Houses, Ware-Houses, Store-Houses, or other Rooms or Places used for the Purposes before-mentioned, or shall alter or enlarge such their Utensils or Vessels, or shall make use of any other or others than such as they have given such Notice of; they before they so do, are by the said several and respective Acts of Parliament required to give the like Notice, but if they omit or neglect the giving such Notice, they then incur and subject themselves to several and respective Penalties and Forfeitures in the said respective Acts of Parliament, which are different, according to the said different Manufactures on which the said Duties are laid.

And for the Ease and Conveniency of the Persons required to give such Notices, Offices of Excise, and for the said several other Duties are established and appointed in every Market-Town, and there kept and attended by proper Office-Keepers, appointed to receive, file, and keep all such Notices; and therefore such Persons as are required to give such Notices should take care to file their Notices at the proper Offices, with the proper Officer there, and not content themselves with giving verbal Notices to the Gaugers and Offices who go from House to House to take Accounts of such Manufactures, because these Officers being frequently removed from Place to Place, Notices to them won't in any manner answer the Design and Intent of the Acts of Parliament in these Cases; but the Notices ought to be at the respective Offices which

Of Informations for not giving Notice.

are fix'd and permanent: And tho' sometimes the said Offices are changed and removed from one House to another, yet whenever that happens, all the Notices which have been filed at the Houses and Places where the said Offices have been kept, are transmitted to the Houses and Places where the Offices for the Time then to come are to be kept.

The not giving due Notices having been the Occasion of great Frauds, some having carried on their Trades without giving any Notices at all, and others having given Notices of part, only of the Places and Utensils by them used, and having and using other Places and Utensils privately and without Notice. These Acts of Parliament for the preventing such Frauds, and for punishing them when committed, have laid Penalties not only on the Persons principally concerned in these Frauds, but also upon others who are but collaterally concerned therein: As where a Common-Brewer without giving Notice, uses any Tun, Back, or Cooler, being in a House, Out-House, or other Place in the Occupation of any other Person, or lays and keeps a Stock of Beer or Ale in a Store-House, Cellar, or other Place belonging to an House in the Occupation of another Person, not only such Brewer forfeits Fifty Pounds, but also the Occupier of the House or Place where such Tun, Back, or Cooler is, or to which such Store-House, Cellar, or other Place doth or did belong, doth likewise forfeit Fifty Pounds for every such Tun, Back, Cooler, or Store-House.

So likewise in Cases where a Tun, Cask, Wash-Batch, Copper, Still, or other Vessel used by a Common Distiller, without Notice is found or discovered in an House, Out-House, or other Place

Of Informations for not giving Notice.

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Place in the Occupation of any other Person, not only the Distiller, but also the Occupier of such House, Out-House, or Place, is liable to the Penalties in such Case.

Besides these Penalties, there are likewise several other Penalties, as for hiding and concealing Liquors and Manufactures liable to these Duties; but in most Cases where the giving due Notice hath been neglected, the best Way will be to proceed for these Penalties for not giving such Notice, and therefore when any Thing hidden or concealed is discovered, it will be advisable to examine whether such hiding has been carried on by reason of not giving due Notice, and if it hath, it will be best to lay the Information for not giving such Notice.

By the Act of 15 Car. II. the Penalties upon *Note;* Common-Brewers, Inn-keepers, and Victuallers for not giving due Notice of their Utensils and Vessels, are to be distributed into three parts, viz. one Third to the Crown, one other Third to the Poor of the Parish where the Offence is committed, and the other Third to the Informer; and therefore in Informations of that kind against Common-Brewers, Inn-keepers, or Victuallers, it will be proper to mention such Information to be laid as well for His Majesty, and the Poor of the Parish, (naming the particular Parish where the Offence happeneth to be,) as for the Informer; but such naming the Poor of the Parish will not be proper in any other Case but only in this particular Case against Brewers and Victuallers upon this particular Clause in this Act of Parliament; for by all the other Acts of Parliament the Forfeitures are to be distributed between the Crown and the Informer, and some other Penalties laid by this very Act are there-
M z by

Of Informations for not giving Notice.

by expressly directed to be distributed between the Crown and the Informer without appointing any part to the Poor of the Parish.

Note,

The Duties by the two first Acts and by all the other Acts are laid upon all Beer and Ale brewed by the Common-Brewer, or any other Person or Persons who doth or shall sell or tap out Beer or Ale publickly or privately; and therefore all such as retail and sell Beer or Ale privately and without owning themselves to be Victuallers, are as much liable to the Duties, and (if not Bye-Brewers) are as properly Victuallers as those who own themselves so to be; and if such private Sellers omit to give Notice, they are as much liable to the Penalties as other Victuallers.

CHAP. V.

Informations and Summons for not giving Notice.

An Information against a Common-Brewer for not giving Notice of a Tun, Fat, Back, Cooler, and Copper by him used for Brewing Beer and Ale.

The Recording the Time and Place of laying the Information.

City of Bristol, ss.

BE it Remembred, That this Tenth Day of January, in the Twelfth Year of the Reign of our Sovereign Lady Queen ANNE, that now is, at the said City of Bristol, Morrice Price, Gent. in his proper Person, as well for Her said Majesty, and for the Poor of the Parish of St. Stephen in the

Informations for not giving Notice.

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the said City of *Bristol*, as for himself, exhibiteth to us *AB*, Esq; Mayor of the said City of *Bristol*, and *CD*, Gent. one of the Aldermen of the City aforesaid, Two of Her said Majesty's Justices of the Peace for the City aforesaid, residing near to the Place where the Offences herein after-mentioned were committed, a Complaint and Information; and thereby informeth us, That according to the Form of the Statute in such Case made and provided, an Office of Excise for divers Years now last past, hath been and yet is publickly and constantly kept at and in the said City of *Bristol* by a proper Officer of the same, thereunto duly constituted and appointed, and there from Time to Time attending, according to the Direction of the said Statute; and that within the Limits of the said Office, that is to say, in the Parish of *St. Stephen* in the said City of *Bristol*, one *Nicholas Norman* for three Months now last past and longer, hath been and yet is an Inhabitant and a Common-Brewer at a common Brew-house there belonging to and used by him, and at one or more Time or Times within Three Months now last past, that is to say, on the One and Twentieth Day of *December* now last past at the Parish aforesaid, did make use of one Tun, one Fat, one Back, one Cooler, and one Copper for the Brewing and making his Beer, Ale, and Worts; and in them did then and there brew and make Beer, Ale, and Worts, and that the said Tun, Fat, Back, Cooler, or Copper so made use of as aforesaid, and every of them, being other than such as had been made use of in his said common Brew-House, or openly discovered or known before the Second Day of *September*, in the Year of Our Lord One Thousand Six Hundred

The Inform.
mation.
An Office
of Excise.

That the
Defendanc
is a Com-
mon Brew-
er.

His using a
Tun, &c.

Informations for not giving Notice.

*The Of-
fence, viz.
Not giving
Notice
thereof.*

The Forfeiture.

dred Sixty and Three; the said *Nicholas Norman* before he so used the same and every of them, did not at the said Office (being the next Office within the Limits of which he then did inhabit,) or at any other Office of Excise, or to any Commissioner, Farmer, or Sub-Commissioner of Excise for the Time being, give any Notice of them, any or either of them, as by the Statute in such Case made he ought to have done; but did voluntarily and fraudulently neglect and omit giving such Notice, contrary to the Form of the Statute in such Case made; whereby he for every and each the said Tun, Fat, Back, Cooler, and Copper respectively, so used as aforesaid without Notice, hath forfeited Fifty Pounds a-piece of lawful Money of *England*, that is to say, in all Two Hundred and Fifty Pounds of like lawful Money; and thereupon the said *Morrice Price*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Third Part of the said Forfeitures, according to the Form of the Statute in such Case made; and that the said *Nicholas Norman* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. Nicholas Norman, Common-Brewer.

City of Bristol, // **WE** *A B*, Esq; Mayor of the City of *Bristol*, and *C D*, Gent. one of the Aldermen of the said City, Two of her Majesty's Justices of the Peace for the City aforesaid, do hereby give you Notice,

Informations for not giving Notice.

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Notice, That *Morrice Price*, Gent. hath exhibited an Information against you for the Sum of Two Hundred and Fifty Pounds by you forfeited, for not giving Notice of one Tun, one Fat, one Back, one Cooler, and one Copper by you made use of for the Brewing of Beer and Ale; you are therefore hereby required to appear before us, at the House of *E R*, being the Sign of the *Red-Lyon*, an Inn and publick House in the Parish of *St. Stephen* in the City aforesaid, on the Seventeenth Day of *January* now instant, at Three of the Clock in the Afternoon of the said Day, then and there to answer the said Information, and to make Defence thereto; but if you neglect so to do, we shall proceed as if you was personally present.

And we do further authorize and require *Mr. G H*, Officer of Excise, or any other Officer of Excise, to serve this our Summons, and to attend us at the Time and Place before-mentioned, then and there to make a Return thereof to us the said Justices. Given under our Hands at *Bristol* aforesaid, this Tenth Day of *January*, 1744.

An Information against a Common Brewer, for not giving Notice of a private Store-House by him used for the laying Beer and Ale in Cask, the said Store-House being in one Parish and the Brew-House in another.

Town and County of the Town of Nottingham, *ff* *BE it Remembred*, That this The Re-
Second Day of May, in cording the
the First Year of the Reign Time and
of our Sovereign Lord King Place of
laying the
GEORGE that now is, at the Town and Coun- Informati-
on.
M 4 ty

Informations for not giving Notice.

*The Inform-
ation.*

*An Office
of Excise.*

*T at the
Defendant
is a Com-
mon Brew-
er.*

*His using
a private
Store-
House.*

ty of the Town of Nottingham, John Cowley, Gent. in his proper Person, as well for His said Majesty, and the Poor of the Parish of St. Nicholas in the said Town of Nottingham, as for himself, exhibiteth to us *AB*, Esq; Mayor of the said Town of Nottingham, and *CD*, Gent. one of the Aldermen of the Town aforesaid, Two of His said Majesty's Justices of the Peace for the Town aforesaid, residing near to the Place where the Offence herein-after mentioned was committed, a Complaint and Information; and thereby informeth us, That according to the Form of the Statute in such Case made and provided, an Office of Excise for divers Years now last past, hath been and yet is publickly and constantly kept at and in the said Town of Nottingham, by a proper Officer of the same, thereunto duly constituted and appointed, and therefrom time to time attending, according to the Direction of the said Statute; and that within the Limits of the said Office, that is to say, in the Parish of St. Peter in the Town aforesaid, one *William Smith* for three Months now last past and longer, hath been and yet is an Inhabitant and a Common-Brewer at a common Brew-House there belonging to and used by him; and so being such Common-Brewer as aforesaid, he the said *William Smith* at one or more time and times within three Months now last past, that is to say, on the tenth Day of *April* now last past, within the Limits of the said Office, that is to say, at the Parish of St. Nicholas aforesaid, did make use of one private and concealed Place or Store-house for the laying and keeping in Cask his Beer, Ale, and Worts, and in the said private and concealed Place or Store-House, did then and there lay and keep in Casks, Beer, Ale, and

and Worts, and that the said Place or Store-House so made use of as aforesaid, being other than such as had been made use of in his said common Brew-House, or openly discovered or known before the second Day of *September* in the Year of Our Lord One Thousand Six Hundred Sixty and Three; the said *William Smith* before he so used the said Place or Store-house, did not at the said Office, being the next Office of Excise to his Habitation, or at any other Office of Excise, or to any Commissioner, or Farmer, or Sub-Commissioner of Excise for the time being, give any Notice of the said Place or Store-House so used as aforesaid, as by the Statute in such Case made he ought to have done; but hath voluntarily and fraudulently neglected and omitted giving such Notice, contrary to the Form of the Statute in such Case made; whereby he hath forfeited the Sum of Fifty Pounds of lawful English Money; and thereupon the said *John Cowley*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Third Part of the said Forfeiture, according to the Form of the Statute in such Case made, and that the said *William Smith* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

Note, *The Words* (in Cask) *mentioned in the Act on which this Information is founded, are there inserted to distinguish between such Store-Houses or Cellars as are used either for the laying Worts whilst brewing, or for the laying Stores of drink for Customers and such other Cellars, &c. as may be used only for the laying such Beer or Ale in Bottles as are for the private Use of Brewers.*

A Sum-

*Informations for not giving Notice.**A Summons on the foregoing Information.**To Mr. William Smith, Common-Brewer.*

Town and County **W** *E A B Esq; Mayor of*
of the Town of **E** *the said Town of Not-*
Nottingham, ss. **A** *tingham, and C D, Gent. one*
of the Aldermen of the Town
 aforeaid, Two of his Majesty's Justices of the
 Peace for the Town aforeaid, do hereby give
 you Notice, That *John Cowley, Gent.* hath ex-
 hibited an Information against you, for the Sum
 of Fifty Pounds by you forfeited for not giving
 Notice of one private and concealed Place or
 Storehouse by you made use of for the laying and
 keeping your Beer, Ale, and Worts in Cask:
 You are therefore hereby required to appear be-
 fore us, at the House of *E F*, being the Sign of
 the *Crown*, an Inn and publick House in the Pa-
 rish of *St. Nicholas* in the Town of *Nottingham*
 aforeaid, on the ninth Day of *May* now instant,
 at Three of the Clock in the Afternoon of the
 said Day, then and there to answer the said In-
 formation, and to make Defence thereto, but if
 you neglect so to do, we shall proceed as if you
 was personally present.

And we do further authorize and require
 Mr. *G H*. Officer of Excise, or any other Of-
 ficer of Excise to serve this our Summons, and
 to attend us at the Time and Place before-men-
 tioned, then and there to make Return thereof
 to us the said Justices. Given under Our Hands
 at *Nottingham* aforeaid, this second Day of *May*,
 1715.

An

An Information against the Occupier of an House in which there was found a Store-House or Place made use of by a Common-Brewer for the laying Beer, Ale, and Worts, without Notice, the said Brewer living in one Parish, and the said Store-House being in another Parish.

Town and County of Nottingham, ss.

SB it is Remembred, &c. (as in the Information next hereof, and for the Keeping of an Office of Excise by an Of-

ficer thereof, as in the foregoing Information) And that within Three Months now last past, that is to say, on the Tenth Day of April now last past, and within the limits of the said Office, that is to say, at the Parish of St. Nicholas in Nottingham aforesaid, there was found and discovered a private and concealed Place or Store-house, then and there used by William Smith, then and there a Common-Brewer of Beer and Ale, for the laying and keeping Beer and Ale in Casks; and that the said private and concealed Place or Store-house then and there was part of, or belonging to a Messuage-house and Out-house situate in the Parish of St. Nicholas aforesaid, then and there in the Occupation of one John Roberts, and being other than such as had been made use of in the Common Brew-house of him the said William Smith, or openly discovered or known before the Second Day of September, 1663, the same was found out and discovered as aforesaid, before any Notice thereof had been given at the Office before-mentioned, being the next Office of Excise,

A private Store-House found out, &c.

Being part of a Messuage in the Defendant's Occupation.

The Offence; viz. Not giving Notice thereof.

Informations for not giving Notice.

or at any other Office of Excise, or to any Commissioner or Farmer, or Sub-commissioner of Excise, for the Time being, as in such Case ought to have been given; and that the giving such Notice thereof, was voluntarily and fraudulently neglected and omitted, contrary to the Form of the Statute in such Case made: Whereby the said *John Roberts*, being as aforesaid Occupier of the said Messuage-house and Out-house before-mentioned, he, by reason of the Premises, and according to the Statute in such Case made, hath forfeited Fifty Pounds of lawful *English Money*; And thereupon the said *John Cowley*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Third part of the said Forfeiture, according to the Form of the Statute in such Case made, and that the said *John Roberts* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

*A Summons on the foregoing Information.**To Mr. John Roberts.*

Town and County of **WE** *AB, Esq; Mayor of*
the Town of Not- **the said Town of Not-**
tingham, ss. **tingham, and C D, Gent. one**
of the Aldermen of the Town
 aforesaid, Two of his Majesty's Justices of the
 Peace for the Town aforesaid, do hereby give
 you Notice, That *John Cowley*, Gent. hath exhib-
 ited an Information against you for the Sum of
 Fifty Pounds by you forfeited, as being the Oc-
 cupier of a Messuage-House and Out-house, in
 which there was found and discovered a private
 and

Informations for not giving Notice.

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and concealed Place or Store-house, which had been and was made use of by *William Smith*, a Common-Brewer, for laying and keeping Beer, Ale, and Worts in Cask, without giving due Notice thereof at the next Office of Excise: You are therefore hereby required to appear before us at the House, &c. (*as in the Summons next before.*)

An Information against a Victualler for not giving Notice of a Back-Cooler and Private Store-house.

Essex, ss. **B**E it Remembred, That this Tenth Day of April, in the Thirteenth Year of the Reign of our Sovereign Lady *Queen ANNE* that now is, at *Ilford*, in the said County of *Essex*, *John Wood*, Gent. in his proper Person, as well for Her said Majesty and for the Poor of the Parish of *Walthamstow*, in the said County of *Essex*, as for himself exhibiteth to us *A B* and *C D*, Esqrs; Two of her said Majesty's Justices of the Peace for the said County of *Essex*, residing near to the Place where the Offence herein after mentioned was committed, a Complaint and Information; and thereby informeth us, That according to the Form of the Statute in such Case made and provided, an Office of Excise for divers Years now last past, hath been, and yet is publickly and constantly kept at *Barking* in the said County, by a proper Officer of the same thereunto duly constituted and appointed, and there from time to time attending, according to the Direction of the said Statute; and that within the Limits of the said Office, that is to say, at *Walthamstow* aforesaid, one *Claudius Scot* for three Months now last past and longer, hath been

Informations for not giving Notice.

*That the
Defendant
is a Victual-
ler, &c.*

been an Inhabitant and a Victualler, Retailer, and Tapper-out, and Seller of Beer and Ale brewed in a Brew-house, or Place of Brewing there belonging to, and used by him the said *Claudius Scot*; and so being there such Victualler, Retailer, and Seller as aforesaid, he the said *Claudius Scot* at one or more time or times within Three Months now last past, that is to say, on the Fourteenth Day of *February* now last past, within the Limits of the said Office, that is to say, at *Walthamstow* aforesaid, did make use of one

*His using a
Back, &c.*

Back and one Cobler for the brewing and making of Beer and Ale, and of one private and concealed Place or Store-house for the laying and keeping in Cask his Beer and Ale; and in the said Back and Cooler, did then and there make and brew Beer and Ale, and in the said private and concealed Place or Store-house did then and there lay and keep in Cask Beer and Ale, and that the said Back and Cooler, and the said private Place or Store-house so made use of as aforesaid, and every of them, being other than such as had been openly made use of in his common and usual Place of brewing, or openly discovered or known before the Second Day of *September* in the Year of our Lord One thousand six hundred sixty and three, the said *Claudius Scot* before

*The Of-
ficer, &c.
Not giving
Notice
thereof.*

he so used the said Back and Cooler, and the said private Place or Store-house, did not at the said Office, being the next Office of Excise to his Habitation, or at any other Office of Excise, or to any Commissioner, or Farmer, or Sub-Commissioner of Excise for the Time being, give any Notice of the said Back and Cooler, or of the said private Place or Store-house so used as aforesaid, or of any or either of them, as by the Statute in such Case made, he ought to have done;

Informations for not giving Notice.

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done, but hath voluntarily and fraudulently neglected and omitted giving such Notice, contrary to the Form of the Statute in such Case made: Whereby he hath forfeited the Sum of Fifty Pounds of lawful Money of England for every and each the said Back, Cooler, and Store-house so made use of as aforesaid, that is to say, in all, One Hundred and Fifty Pounds of like Money; and thereupon the said *John Wood*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Third Part of the said Forfeitures, according to the Form of the said Statute, and that the said *Claudius Scot* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. Claudius Scot, Victualler, &c.

Essex, ss. **W**E *A B* and *C D*, Esqrs. Two of His Majesty's Justices of the Peace for the said County of *Essex*, do hereby give you Notice, That *John Wood*, Gent. hath exhibited an Information against you for the Sum of One Hundred and Fifty Pounds by you forfeited for not giving Notice of one Back and one Cooler by you made use of for the brewing and making of Beer and Ale, and of one private Place or Store-house by you made use of for the laying and keeping Beer and Ale in Cask: You are therefore hereby required to appear before us, at the House of *FE*, being the Sign of the *Angel*, an Inn and publick House in *Ilford* in the said County of *Essex*, on the seventeenth Day of

Informations for not giving Notice.

of *April*, now instant, at Three of the Clock in the Afternoon of the said Day, then and there to answer the said Information, and to make Defence thereto; but if you neglect so to do, we shall proceed as if you was personally present.

And we do further authorize and require Mr. *TP* Officer of Excise, or any other Officer of Excise to serve this our Summons, and to attend us at the Time and Place before-mentioned, then and there to make Return thereof to us the said Justices. Given under our Hands at *Ilford* aforesaid this Tenth Day of *April*, 1714.

An Information against a Common-Distiller, for not giving Notice of Three Wash-Batches, used for preparing Wash for Distillation.

The Recording the Time and Place of laying the Information.

Town of *Liverpool* in *Lancashire*.

BE it Remembred, That this Second Day of *March*, in the Second Year of the Reign of our Sovereign Lord King

G E O R G E, that now is, at *Liverpool* in the County of *Lancaster*, *Edward Burghall*, Gent. in his proper Person, as well for His said Majesty, as for himself, exhibiteth to us *AB*, Esq; Mayor of the said Town of *Liverpool*, and *CD*, Gent. one of the Aldermen of the Town aforesaid, Two of His Majesty's Justices of the Peace for the Town aforesaid, residing near to the Place where the Offence herein-after mentioned was committed, a Complaint and Information; and thereby informeth us, That according to the Form of the Statute in such Case made and provided, an Office of Excise for divers Years, now last

The Information. An Office of Excise.

last past, hath been and yet is publickly and constantly kept at and in the said Town of *Liverpool*, by a proper Officer of the same, thereunto duly constituted and appointed; and there from time to time attending; according to the Direction of the said Statute; and that within Three Months now last past, that is to say, on the Fourteenth Day of *February* now last past, and within the Limits of the said Office; that is to say, at *Liverpool* aforesaid, one *James Jopson* did make use of Three Wash-Batches or Vessels for the making of Wash for Distillation; and that he the said *James Jopson*, there, at, and before the time of so using the said Wash-Batches or Vessels and every of them, having been and yet being a Common-Distiller and Maker of Low-Wines, Spirits, and Strong-Waters for Sale and Exportation; he before his so making use of the said Wash-Batches or Vessels as aforesaid, did not at the said Office, being the next Office within the Limits and Jurisdiction whereof he then did and yet doth inhabit, or at any other Office of Excise give any Notice in Writing of the said Wash-Batches or Vessels, or of either of them, as by the Statute in such Case made he ought to have done; but did willfully and fraudulently neglect and omit giving such Notice, contrary to the Form of the Statute in such Case made; whereby he hath forfeited Twenty Pounds of lawful *English* Money for every of the said Three Wash-Batches or Vessels so made use of as aforesaid, that is to say, in the whole Threescore Pounds of like Money; and thereupon the said *Edward Burghall* who as well, &c. humbly prayeth the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeitures according to the Form of the Statute in such

N

Case

The using Three Wash-Batches.

The Defendant was and is a Distiller.

The Offence, viz. not giving Notice.

The Forfeiture.

Informations for not giving Notice.

Case made, and that the said *James Jopson* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

Note, When Informations are to be laid against Common-Brewers, Inn-Keepers, or Victuallers, for using in great Towns consisting of several Parishes, Vessels or Store-Houses, &c. without due Notice: It will be necessary in such Informations to mention in what particular Parish in such Town such Vessels, &c. were so used, because the Poor of that particular Parish are in such Case intituled to one Third Part of the Forfeitures in those particular Cases; but this extends only to those particular Forfeitures by Brewers, Inn-Keepers, and Victuallers, incurred by not giving such Notice; but the Poor are not in other Cases intituled to any Share or Part of the Forfeitures; and therefore it will not in any other Cases be necessary to mention in what particular Parish, in any Town consisting of divers Parishes, such Offence was committed: But in such other Cases it will be sufficient to alledge and mention the Offence to have been committed at such Town, without mentioning any particular Parish in such Town, except where a Town happens to be part in one County and part in another; for in such Case it will be necessary to mention in what particular Parish or part of such Town such Offence was committed, and the Information in such Case must be laid in the proper County.

Note, When Informations are laid against Distillers for double the Value of Duties in Arrear, it will be necessary to mention in such Informations, whether the Low-Wines and Spirits for which they
are

Informations for not giving Notice.

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are so in Arrear were drawn from Malt or from Foreign Materials, because in those Cases the Duties are different: But in Informations for using Stills, Wash-Batches, or Store-House, without Notice, it will not be necessary to mention for what particular sort of Low-Wines or Spirits such Stills, Wash-Batches, or Store-Houses were so used, because the Penalties are the same, whether they are used for Low-Wines and Spirits from Malt or from Foreign Materials.

A Summons on the Information next before, against a Common Distiller, for not giving Notice of Three Wash-Batches.

To Mr. James Jopson, Distiller.

Town of Lever-
pool in Lan-
cashire. } **W** ^{E AB}, Esq; Mayor of
the said Town of Lever-
pool, and ^{CD}, Gent. one of
the Aldermen of the Town
aforesaid, Two of His Majesty's Justices of the
Peace for the Town aforesaid, do hereby give
you Notice That *Edward Burghall*, Gent. hath
exhibited an Information against you for the Sum
of Threescore Pounds by you forfeited, for
making use of Three Wash-Batches or Vessels
for making of Wash for Distillation, without
giving due Notice thereof at the next Office
of Excise: You are therefore hereby required
to appear before us, at the House of, &c. (as
in the Summons before.)

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Informations for not giving Notice.

An Information against the Occupyer of an House, in which were found Three Wash-Batches for preparing Wash for Distillation for a Common-Distiller, who had not given any Notice of the said Three Wash-Batches.

Town of Liverpool in Lancashire, ss. **B**E it Remembred, &c. (as in the Information next before. And set forth the keeping an Office of Excise, as in the said foregoing Information.) And that within Three Months now last past, that is to say, on the Fourteenth Day of February now last past, and within the Limits of the said Office, that is to say, at Liverpool aforesaid, there were found and discovered Three private and concealed Wash-Batches or Vessels, for making Wash for Distillation, then and there used by one James Jopson, then and there a Common-Distiller and Maker of Low-Wines, Spirits, and Strong-Waters for Sale and Exportation, and then and there being in an House, Out-House, and other Place, then and there in the Occupation of one John Hughes; and that the said Three Wash-Batches were so found out and discovered as aforesaid, before any Notice of them, any or either of them had been given at the Office before-mentioned, being the next Office of Excise, or at any other Office of Excise, and that the giving such Notice thereof was voluntarily and fraudulently neglected and omitted contrary to the Form of the Statute in such Case made; whereby the said John Hughes then and there being in the Occupation of the said House, Out-House, and Place before-mentioned; he, by Reason of the Premises, and according

Informations for not giving Notice.

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according to the Statute in such Case made, hath forfeited Fifty Pounds of lawful English Money; and thereupon the said *Edward Burghall*, who as well, &c. humbly prayeth the Judgment of us the said Justices in the Premises; and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *John Hughes* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the Information next before.

To Mr. John Hughes.

Town of Lever-
pool in Lan-
cashire, ss. } **W** *E A B*, Esq; Mayor of the
said Town of *Leverpool*,
and *C D*, Gent. one of the
Aldermen of the said Town,
Two of His Majesty's Justices of the Peace for the
Town aforesaid, do hereby give you Notice,
That *Edward Burghall*, Gent. hath exhibited an
Information against you for Fifty Pounds, by
you forfeited, as being the Occupier of an House,
Out-house, and other Place, in which there were
found and discovered three private and concealed
Wash-Batches, which had been and were used
by one *James Jopson* a Common-Distiller of Low-
Wines, and of Spirits, and Strong-Waters for
Sale and Exportation, without giving due Notice
thereof at the next Office of Excise: You are
therefore hereby required to appear before us,
at the House of, &c. (as in other Summons.)

An Information against a Vinegar-Maker, for not giving Notice of Two private Places by him used for making, laying, and keeping Vinegar, and Liquors preparing for Vinegar.

The Recording of the laying the Information.

Huntingtonshire, *ff.* **B**E it Remembred, That this First Day of December, in the Twelfth Year of the Reign of our Sovereign Lady Queen *ANNE* that now is, at the Town of *Huntington* in the said County of *Huntington*, *William Feast*, Gent. in his proper Person, as well for Her said Majesty, as for himself, exhibiteth before us *AB* and *CD* Esqrs. Two of Her said Majesty's Justices of the Peace for the said County, residing near to the Place where the Offence herein after mentioned was committed, a Complaint and Information; and thereby informeth us, That according to the Form of the Statute in such Case made and provided, an Office of Excise for divers Years now last past, hath been, and yet is publickly and constantly kept at and in the said Town of *Huntington*, by a proper Officer of the same, thereunto duly constituted and appointed, and there from time to time attending according to the Direction of the said Statute; and that within Three Months now last past, that is to say, on the Four and Twentieth Day of *September*, now last past, and within the Limits of the said Office, that is to say, at the said Town of *Huntington*, one *William Berriffe* did make use of Two several private Places for making, laying, and keeping Vinegar for Sale, and Vinegar Beer, and Liquors preparing for Vinegar for Sale; and

The Information.

An Office of Excise.

The Defendant's using a Store-House.

Informations for not giving Notice.

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and in the said Two Places respectively, and in each of them, did then and there keep Vinegar for Sale, and Vinegar Beer, and Liquors preparing for Vinegar for Sale; and that the said *William Berriffe* at the time and times of his so making use of the said Two private Places as aforesaid, having been and yet being there a Maker of Vinegar for Sale; he before his so making use of the said Two private Places, as aforesaid, and of each of them, did not at the said Office, being the next Office within the Limits whereof he then did and yet doth inhabit, or at any other Office of Excise, give any Notice of the said Two private Places or either of them, as by the Statute in such Case made he ought to have done; but did wilfully and fraudulently omit, neglect, and avoid giving such Notice, contrary to the Form of the Statute in such Case made; whereby he hath forfeited for each of the said Two private Places so made use of as aforesaid, the Sum of Fifty Pounds of lawful *English* Money, amounting in the whole to the Sum of One Hundred Pounds of like Money: And thereupon the said *William Feast*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeitures according to the Form of the Statute in such Case made, and that the said *William Berriffe* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

His being a Vinegar-maker.

The Offence, viz. not giving Notice.

*Informations for not giving Notice.**A Summons on the Information next before.**To Mr. William Berriffe, Vinegar-maker.*

Huntingtonshire, ss. **W**E *AB* and *CD*, Esqs. Two of His Majesty's Justices of the Peace for the said County of *Huntington*, do hereby give you Notice, That *William Feast*, Gent. hath exhibited an Information against you, for the Sum of One Hundred Pounds by you forfeited, for making use of Two private Places for making, laying, and keeping Vinegar for Sale, and of Vinegar-Beer, and Liquors preparing for Vinegar for Sale, without giving due Notice thereof at the next Office of Excise: You are therefore hereby required to appear before us, at the House of, &c. (as in the other Summons.)

An Information against a Maker of Sweets for Sale, for making use of Two Steeping-Tubs for making Sweets for Sale, without Notice.

The Recording of the Laying the Information. *Devonsire, ss.* **B**E it Remembred, That this Tenth Day of December, in the First Year of the Reign of our Sovereign Lord King **GEORGE**, that now is, at *Plymouth* in the County of *Devon*, *Harthory Brudenell*, Gent. in his proper Person, as well for His said Majesty, as for himself; exhibiteth to us *AB* and *CD*, Esqs. Two of His said Majesty's Justices of the Peace for the said County of *Devon*, residing near to the Place where the Offence herein after mentioned was committed a Complaint and Information

Informations for not giving Notice.

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formation; and thereby informeth us, That according to the Form of the Statute in such Case made, an Office of Excise for divers Years now last past, hath been and yet is publickly and duly kept at *Plymouth* aforesaid, by a proper Officer of the same, thereunto duly constituted and appointed, and there from Time to Time attending, according to the Direction of the said Statute; and that within Three Months now last past, that is to say, on the Nineteenth Day of *November* now last past, and within the Limits of the said Office, that is to say, at *Plymouth* aforesaid, one *Samuel Brown* did make use of the Steeping-Tub and Cask herein after-mentioned for the Purposes herein after-expressed, that is to say, of One Steeping-Tub for the making of Sweets for Sale, and of One Cask for the keeping of Sweets for Sale, and in them respectively did then and there make and keep Sweets for Sale; and that at and before the said time and times of such his so making use of the said Steeping-Tub and Cask, and each of them; he, the said *Samuel Brown* was and yet is there a Maker of Sweets for Sale, and did at the Time and Place before-mentioned so as aforesaid, make use of the said Steeping-Tub and Cask in manner as aforesaid, without first giving Notice of them or of either of them at the said Office, being the next Office of Excise to the said Place where the same were so made use of as aforesaid, or at any other Office of Excise; And that the said *Samuel Brown*, did wilfully and fraudulently omit and neglect giving such Notice, contrary to the form of the Statute in such Case made, whereby he hath forfeited for the said Steeping-Tub, so made use of as aforesaid, Fifty Pounds of lawful English Money, and for the said Cask so made use of as aforesaid

*The Information.
An Office of
Excise.*

*The Defendant's using
a Tub and
Cask.*

*His being a
Sweet-
mak.r.*

*The Off-
fence; viz.
Not giving
Notice.*

Informations for not giving Notice.

aforesaid, the like Sum of Fifty Pounds of like Money, amounting in the whole to One Hundred Pounds of like Money; And thereupon the said *Harthory Brudenell*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeitures, according to the Form of the Statute, in such Case made, and that the said *Samuel Brown* may be summoned to answer the Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. Samuel Brown, Sweet-maker.

Devonshire, ss. **W**E *AB* and *CD*, Esqrs. Two of His Majesty's Justices of the Peace for the said County of *Devon*; do hereby give you Notice, That *Harthory Brudenell*, Gent. hath exhibited an Information against you for the Sum of One Hundred Pounds by you forfeited, for making use of one Steeping-Tub for the making of Sweets for Sale, and of one Cask for the keeping of Sweets for Sale, without giving due Notice at the next Office of Excise: You are therefore hereby required to appear before us, at the House of, &c. (*as in the other Summons.*)

An

An Information against a Maker of Malt for not giving Notice of a Cistern, Kiln, Floor, and Room by him used for making Malt.

Suffolk, ss. **B**E it Remember'd, That this Twentieth Day of April, in the Thirteenth Year of the Reign of our Sovereign Lady Queen *ANNE* that now is; at *Stow Market* in the County of *Suffolk*, *John Todd*, Gent. in his proper Person, as well for Her said Majesty, as for himself, exhibiteth to us *AB* and *CD*, Esqrs. Two of Her said Majesty's Justices of the Peace for the said County, of *Suffolk*, residing near to the Place where the Offence herein after mentioned was committed, a Complaint and Information; and thereby informeth us, That according to the Form of the Statute in such Case made, an Office of Excise for divers Years now last past, hath been and yet is publickly and duely kept at *Stow Market* aforesaid, by a proper Officer of the same, thereunto duely constituted, and there from time to time attending, according to the said Statute; and that within the Limits of the said Office, that is to say, at *Coombs* in the said County of *Suffolk*, one *James Southgate* for Three Months now last past and longer, hath been and yet is a Maker of Malt, not having compounded or agreed for the Duties of Malt, to grow due and payable from him; and that the said *James Southgate* so being such Maker of Malt as aforesaid; he, the said *James Southgate* within Three Months now last past, that is to say, on the Eighteenth Day of *February* now last past, within the Limits of the said Office, that is to say, at *Coombs* aforesaid, Did make use

The Recording of the laying the Information.

The Information. An Office of Excise.

*The Defendants using
a Cistern,
&c.*

*The Office; viz.
Not giving
Notice
thereof.*

use of the private Cistern, Kiln, Floor and Room herein after mentioned for the Purposes herein after expressed, that is to say, Did then and there make use of one private Cistern for the wetting and steeping of Corn for the making Malt, and of one private Kiln and of one private Floor for the making of Malt, and of one private Room for the keeping of Malt, and in the said Cistern did then and there wet and steep Corn for the making Malt, and on the said Kiln and Floor respectively, did then and there make Malt, and in the said Room did then and there keep Malt, and that the said private Cistern, Kiln, Floor, and Room respectively, being other than such as was or were at or before the said using thereof, respectively known or made use of in any common Malt-House belonging to him the said *James Southgate*; he, before he so made use of them, every and each of them, did not at the Office before-mentioned, being the next Office of Excise to the Place where the same and every of them were so made use of as aforesaid, or at any other Office of Excise, give any Notice in Writing of the said Cistern, Kiln, Floor, and Room, or of any or either of them, as by the Statute in such Case made he ought to have done; but did then and there keep private and concealed the said Cistern, Kiln, Floor, and Room, and every and each of them without giving such Notice, contrary to the Form of the said Statute; whereby for every and each of the said Cistern, Kiln, Floor, and Room so made use of as aforesaid, he hath forfeited Fifty Pounds of lawful *English* Money, amounting in the whole unto Two Hundred Pounds of like Money; and thereupon the said *John Todd*, who as well, &c. humbly prays the Judgment of us the
said

Informations for not giving Notice.

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said Justices in the Premises, and that he may have one Moiety of the said Forfeitures according to the Form of the Statute in such Case made, and that the said *James Southgate* may be summoned to answer the said Premises and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. James Southgate, Maker of Malt.

Suffolk, ss. **W**E *AB* and *CD*, Esqs; Two of Her Majesty's Justices of the Peace for the said County of *Suffolk*, do hereby give you Notice, That *John Todd*, Gent. hath exhibited an Information against you for the Sum of Two Hundred Pounds by you forfeited, for making use of one Cistern for the Wetting and Steeping of Corn for the Making of Malt, and of one Kiln and Floor for the Making of Malt, and of one Room for the Keeping of Malt, without giving due Notice at the next Office of Excise: You are therefore hereby required to appear before us, at the House of, &c. (*as in the other Summons.*)

An

An Information against a Maker of Malt for not giving Notice of Two private and concealed Vessels by him used for the Steeping Corn to be made into Malt.

County of Warwick, ss. **B**E it Remembred, That

The Recording of the laying the Information.

this Sixteenth Day of February, in the Second Year of the Reign of our Sovereign Lord King GEORGE, that now is, at *Atherston* in the said County of *Warwick*, *Philip Bamford*, Gent. in his proper Person, as well for His said Majesty, as for himself, exhibiteth to us *AB* and *CD*, Esqs. Two of His said Majesty's Justices of the Peace for the said County of *Warwick*, residing near to the Place where the Offence herein after mentioned was committed, a Complaint and Information; and

The Information.

An Office of Excise.

thereby informeth us, That according to the Form of the Statute in such Case made, an Office of Excise for divers Years now last past, hath been and yet is publicly and duly kept at *Atherston* aforesaid, by a proper Officer of the same, thereunto duly constituted, and there from time to time attending, according to the Direction of the said Statute; and that within the Limits of the said Office, that is to say, at *Merevale* in the said County of *Warwick*, in a common Malt-House there belonging to one *John Brown*; he, the said *John Brown* for Three Months now last past, hath been and yet is a Maker of Malt, and not a Compounder for the Duties on Malt, and that the said *John Brown* so being a Maker of Malt as aforesaid, he, the said *John Brown* within Three Months now last past, that is to say, on the Sixteenth Day of

The Defendant's being a Malster.

December

Informations for not giving Notice.

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December now last past, within the Limits of the said Office, that is to say, at *Merevale* aforesaid, did make use of two several private Vessels for the wetting and steeping Corn for the making Malt, and in the said several private Vessels, did then and there wet and steep Corn for the making Malt; and that the several private Vessels aforesaid, and either of them, being other than such as were or was at or before the using thereof respectively, openly known or made use of in his said Common Malt-house; he the said *John Brown* before he so made use of the said several private Vessels, or of either of them, in manner aforesaid, did not at the said Office, being the next Office of Excise to the Place where the same were so made use of as aforesaid, or at any other Office of Excise, give any Notice in writing of the said two several Vessels, or of either of them, as by the Statute in such Case made, he ought to have done; but did then and there keep private and conceal the said Vessels, and each of them, without giving such Notice as aforesaid, contrary to the Form of the said Statute; whereby he hath forfeited for each of the said private or concealed Vessels so made use of as aforesaid, Fifty Pounds of lawful English Money, amounting in the whole unto One Hundred Pounds of like Money; and thereupon the said *Philip Bamford*, who as well &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeitures, according to the Form of the Statute in such Case made, and that the said *John Brown* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

*His using
Two Vessels.*

*The Offence; viz.
Not giving
Notice.*

A Sum-

*Informations for not giving Notice.**A Summons on the foregoing Information.**To Mr. John Brown, Maker of Malt.*

County of Warwick, ss. **WE** *AB* and *CD*, Esqrs: Two of His Majesty's Justices of the Peace for the said County of *Warwick*, do hereby give you Notice, That *Philip Bamford*, Gent. hath exhibited an Information against you for the Sum of One Hundred Pounds, by you forfeited for making use of two private Vessels for the wetting, and steeping Corn for the making Malt, without giving due Notice at the next Office of Excise: You are therefore hereby required to appear before us at the House of, &c. (as in the other Summons.)

An Information against a Maker of Candles; for not giving Notice of a Room used for the making and keeping Candles, and of another Room for keeping Materials to be made into Candles; and of a Vessel used for melting Tallow to be made into Candles.

The Recording of the laying the Information. Cornwall, ss. **B** *E it Remembred*, That this Seventh Day of *January*, in the Second Year of the Reign of our Sovereign Lord King *GEORGE*, that now is, at *Launceston* in the County of *Cornwal* aforesaid, *Thomas Broughton*, Gent. in his proper Person, as well for His said Majesty, as for himself, exhibiteth to us *AB* and *CD*, Esqrs; Two of His Majesty's Justices of the Peace for the said County of *Cornwal*,

Informations for not giving Notice.

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Cornwal, residing near to the Place where the Offence herein after mentioned was committed, a Complaint and Information; and thereby informeth us, That according to the Form of the Statute in such Case made, an Office of Excise for divers Years now last past, hath been, and yet is publickly and duly kept at *Launceston* aforesaid, by a proper Officer of the same thereunto duly constituted and appointed, and there from time to time attending, according to the Direction of the said Statute; and that within three Months now last past, that is to say, on the Sixteenth Day of *December* now last past, and within the Limits of the said Office, that is to say, at *Launceston* aforesaid, one *Richard Beard*, not having compounded or agreed for the Duties of any Candles to be by him made, Did make use of one Room for the making and keeping Tallow-Candles, and in the said Room did then and there make and keep Tallow-Candles, and did make use of one other Room for the keeping Tallow, and other Materials proper to be made into Tallow-Candles, and in the said last-mentioned Room, did then and there keep Tallow and other Materials to be made into Tallow-Candles, and did make use of one Vessel for the melting Tallow to be made into Tallow Candles, and in the said Vessel did then and there melt Tallow to be made into Tallow-Candles; and that before his so making use of the said Rooms and Vessel in manner aforesaid, he the said *Richard Beard* did not at the said Office of Excise at *Launceston* aforesaid, which Office was during the said three Months, and all the time aforesaid, the next Office of Excise to the Place where the same were so made use of as aforesaid, or at any other Office of Excise, give any Notice in writing of

The Information.
An Office of Excise.
The Defendant's using Rooms.
The Offence, viz. Not giving Notice.

O

Informations for not giving Notice.

the Rooms aforesaid, or either of them, or of the said Vessel, as by the Statute in such Case made, he ought to have done; but did wholly neglect and omit giving such Notice, contrary to the Form of the Statute in such Case made: Whereby he hath forfeited for every of the Offences aforesaid, the Sum of Fifty Pounds of lawful Money of *England*, amounting in the whole to One Hundred and Fifty Pounds of like Money; and thereupon the said *Thomas Broughton*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeitures, according to the Form of the said Statute, and that he the said *Richard Beard* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. Richard Beard, Maker of Candles.

Cornwall, ss. **WE** *AB* and *CD*, Esqrs. Two of His Majesty's Justices of the Peace for the said County of *Cornwall*, do hereby give you Notice, That *Thomas Broughton*, Gent. hath exhibited an Information against you, for the Sum of One Hundred and Fifty Pounds by you forfeited for making use of one Room for the making and keeping Tallow-Candles, and of one other Room for the keeping Tallow, and other Materials proper to be made into Tallow-Candles, and of one Vessel for the melting Tallow to be made into Candles, without giving due Notice at the next Office of Excise: You are therefore hereby required to appear before us at the House of, &c. (as in the other Summons.)

An

An Information against a Soap-maker for not giving Notice of a Room by him used for making and keeping of Soap, and of three Boxes by him used for making Soap.

Devonshire, ss. **B**E it Remembred, &c. (as in the *An Office*
Information next before against a of Excise,
Maker of Candles) That according to the Form of &c.
the Statute in such Case made, an Office of Ex-
cise, and for the Duties laid upon Soap made in
Great Britain, in and by several Statutes in such
Case lately made and provided, hath for divers
Years now last past, been, and yet is publickly
and duly kept at *Totness*, in the said County of
Devon, by a proper Officer of the same, there-
unto duly constituted and appointed, and there
from time to time attending, according to the
Direction of the said Statute; and that within
three Months now last past, that is to say, on
the Six and twentieth Day of *April* now last past,
and within the Limits of the said Office, that is
to say, at *Totness* in the said County of *Devon*,
one *Peter Cockey*, a Maker of Soap, did make
use of one Room for the making and keeping of
Soap, and in the said Room did then and there
make and keep Soap; and did also then and there
make use of three Troughs or Boxes for the mak-
ing Soap, and in the said three Troughs or Boxes
respectively, did then and there make Soap be-
fore any Notice in Writing of the said Room and
Troughs, or of any or either of them, had been
given, and without giving any such Notice
thereof at the said Office, being the next Office
of Excise, and for the said Duties on Soap, &c.
to the Place where the said Room and Troughs
respectively

*The Defen-
dant's being
a Soap-
maker.*

*His using
three
Troughs,
&c.*

*The Of-
fence, viz.
Not giving
Notice.*

respectively, were so made use of as aforesaid; and that the said *Peter Cockey* (before his said making use of the said Room and Troughs respectively as aforesaid) did not give any such Notice in Writing of them, or of any or either of them, as by the said Statute in such Case made he ought to have done; but did wholly neglect and omit giving such Notice, contrary to the Form of the Statute in such Case made; whereby (the said *Peter Cockey* at and during all the said time of so using the said Room and Troughs respectively as aforesaid, and yet being a Maker of Soap) he the said *Peter Cockey* hath forfeited for every and each of the Offences aforesaid, Fifty Pounds of lawful *English* Money, amounting in the whole to Two hundred Pounds of like Money; and thereupon the said *Harthory Brudenel*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeitures, according to the Form of the Statute in such Case made; and that the said *Peter Cockey* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

The Summons against a Maker of Soap, must be in the like Form as the Summons next before, against a Maker of Candles, changing only such Words as are necessary to be changed, viz. instead of Maker of Candles, it must be Maker of Soap; instead of One hundred and Fifty Pounds, it must be Two hundred Pounds; and instead of For making use of one Room, for the making and keeping Tallow-Candles, and of, &c. it must be, For making use of one Room, for the making and keep-

ing

Informations for not giving Notice.

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ing of Soap, and of three Troughs or Boxes
for the making of Soap, &c.

An Information against a Maker of Paper, for not giving Notice of a Place by him used for making Paper.

Midd. ss. **B**e it Remembred, &c. (as in other Infor- *An Office*
mations.) That according to the Form *of Excise,*
of the Statute in such Case made and provided, &c.
an Office of Excise, and for the Duties laid upon
Paper made in *Great Britain*, in and by several
Statutes in such Case made and provided, hath
for divers Years now last past, been and yet is
publickly and duly kept at *Staines*, in the County
of *Middlesex* by a proper Officer of the same
thereunto duly constituted and appointed, and
there from time to time attending, according to
the Direction of the said Statute; and that one
William Thomas, within the Limits of the said *The Defen-*
Office, that is to say, at *Staines* aforesaid, having *dant's be-*
for three Months now last past been a Maker of *ing a Ma-*
Paper, for which Duties ought to be paid accord- *ker of Pa-*
ing to the Statute in such Case made; he the *per.*
said *William Thomas* within Three Months now
last past, that is to say, on the Tenth Day of
April now last past, and within the Limits of
the said Office, that is to say, at *Staines* aforesaid,
did make use of one Place for the making of such *His using a*
Paper, and in the said Place did then and there *Place for*
make such Paper as aforesaid, for which such *making*
Duties ought to have been paid as aforesaid, be- *Paper.*
fore any Notice in Writing of the said Place so by
him used as aforesaid, had been given at the said *The Of-*
Office, being the Office of Excise, and for the said *fence, viz.*
Duties upon such Paper, next to the said Place *Not giving*
which *Notice.*

Of Informations for not giving Notice.

which was so made use of as aforesaid, and that (before he so made use of the said Place as aforesaid) he did not at the said Office or at any other Office of Excise, or for the said Duties give any such Notice in Writing of the said Place so by him used as aforesaid, as by the said Statute in such Case made he ought to have done, but did wholly neglect to give such Notice, contrary to the Form of the said Statute; whereby he hath forfeited Thirty Pounds of lawful Money of England: And thereupon, &c. (*as in other Informations.*)

The Informer in this Case is to have a Moiety of the Forfeiture.

The Summons on the Information next before must be thus, viz. For the Sum of Thirty Pounds by you forfeited, for making use of a Place for the making Paper without giving due Notice thereof at the next Office of Excise, and for the Duties upon Paper: You are therefore, &c. (the rest of the Summons as in other Summons.)

An Information against a Maker of Paper for not giving Notice of Two Places by him used for drying his Paper and making it fit for use.

Middlesex, ss. **B**E it Remembred, &c. (*as before laying the keeping of an Office, &c.*) And that one Henry Mason by an Officer, &c.) And that one Henry Mason having within the Limits of the said Office, that is to say, at *Staines* aforesaid, for Three Months now last past and longer, been a Maker of Paper;

The Defendant's being a Maker of Paper.

per; he, the said *Henry Mason* within Three Months now last past, that is to say, on the first Day of *June* now last past, and within the Limits of the said Office, that is to say, at *Staines* aforesaid, did make use of one Place for drying Paper by him there made, and did make use of one other Place for making fit for use Paper by him there made, and in them respectively did then and there dry and make fit for use Paper by him there made, and that the said respective Places by him so made use of as aforesaid, being other than such common Place and Places whereof he had before given or left Notice in Writing at the said Office, or at any other Office, to be the Place or Places for his drying or finishing such his Paper; he the said *Henry Mason* before he so respectively made use of the said several Places and of each of them as aforesaid, did not at the said Office or at any other Office for the said Duties give such Notice in Writing of the said Places or of either of them, as by the said Statute in such case made he ought to have done, but did wholly neglect to give such Notice contrary to the Form of the said Statute; whereby he hath forfeited for every and each of the said Offences Twenty Pounds of lawful *English* Money, amounting in the whole to Forty Pounds of like Money: And thereupon, &c. (as in other Informations.)

His using a Place for drying Paper.

The Offence; viz. Not giving Notice.

The Informer is to have a Moiety of these Forfeitures.

The Summons on the Information next before must be thus, viz. For the Sum of Forty Pounds by you forfeited, for not giving due Notice at the next Office of Excise, and for the Du-

Informations for not giving Notice.

ties upon Paper, of Two Places by you made use of for the drying Paper and making it fit for Use: You are therefore, &c. (the rest of the Summons as in other Summons.)

An Information against a Printer, &c. of Paper, to serve for Hangings, &c. for not giving Notice of a Place by him used for Printing, &c. such Paper.

Surry, ss. **B**E it Remembred, &c. (as in other Informations, and lay an Office of Excise, and for the Duties upon Paper, &c. as in the first foregoing Information against a Paper-Maker;)

The Defendant being a Printer of Paper.

And that one John Thompson within the Limits of the said Office, that is to say at *A.* aforesaid, having for Three Months now last past and longer, printed, painted, and stained Paper to serve for Hangings, &c. for which Duties ought to be paid according to the Form of the Statute in such Case made; he the said John Thompson within the said Three Months now last past, that is to say, on the Fifth Day of July now last past, and within the Limits of the said Office, that is to say at *A.* aforesaid, did make use of one Place for the printing, painting, and staining such Paper as aforesaid; and in the said Place did then and there print, paint, and stain such Paper as aforesaid, for which such Duties ought to have been paid as aforesaid, before any Notice in Writing of the said Place so by him used as aforesaid had been given at the said Office, being the Office of Excise and for the said Duties upon Paper next to the said Place so made use of as aforesaid, and that (before he so made use of the said Place as aforesaid,) he did not at
the

His using a Place for printing Paper.

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the said Office or at any other Office of Excise, ^{The Office, viz. Not giving Notice.} or for the said Duties give any such Notice in Writing of the said Place so by him used as aforesaid, as by the Statute in such Case made he ought to have done, but did wholly neglect to give such Notice, contrary, &c. (*as before in the Information against a Paper-Maker.*)

The Forfeiture for every Offence of this kind is Thirty Pounds, of which the Informer is to have one Moiety.

A Summons on the foregoing Information.

(*As in other Summons.*) For the Sum of Thirty Pounds by you forfeited, for not giving due Notice at the next Office of Excise, and for the Duties upon Paper of a Place by you made use of for printing, painting, and staining Paper to serve for Hangings, &c. You are therefore, &c. (*as in other Summons.*)

An Information against a Printer, &c. of Callicoes, &c. for not giving Notice of a Place by him used for Printing, &c. Callicoes and Linnen.

Surry, ff. **B**E it Remembred, &c. (*as in other Informations.*) That according to the Form of the Statute in such Case made and provided, an Office of Excise and for the Duties laid upon Silks, Callicoes, Linens, and ^{An Office of Excise, &c.} Stuffs, printed, painted, stained, and dyed in Great-Britain, in and by several Statutes in such Case made and provided, hath for divers Years now last past been and yet is publickly and duly kept

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The Defendant's being a Printer &c. of Callicoes.

His using a Place for Printing, &c.

The Offence, viz. not giving Notice.

kept at *Guilford* in the said County of *Surry*, by a proper Officer of the same, thereunto duly constituted and appointed, and there from time to time attending, according to the Direction of the said Statute; and that one *James Andrews* within the Limits of the said Office, that is to say, at *Guilford* aforesaid, having for three Months now last past and longer, been a Printer, Painter, Stainer, and Dyer of Callicoes and Linens, for which Duties ought to be paid according to the Statute in such Case made; he the said *James Andrews* within Three Months now last past, that is to say, on the Ninth Day of *May*, now last past, and within the Limits of the said Office, that is to say, at *Guilford* aforesaid, did make use of one Place for the Printing, Painting, Staining, and Dying of such Callicoes and Linens, and in the said Place did then and there print, paint, stain, and dye such Callicoes and Linens as aforesaid, for which such Duties ought to have been paid as aforesaid, and did then and there work as aforesaid, before any Notice in Writing of the said Place so by him used and worked in as aforesaid had been given at the said Office, being the Office of Excise and for the said Duties upon such Callicoes and Linen next to the said Place so by him worked in and made use of as aforesaid, and that (before he so made use of the said Place as aforesaid,) he did not at the said Office or at any other Office of Excise, or for the said Duties give any such Notice in Writing of the said Place so by him worked in and used as aforesaid, as by the said Statute in such Case made he ought to have done, but did wholly neglect to give such Notice, contrary to the Form of the said Statute; whereby he hath forfeited Thirty Pounds of lawful Money
of

of England: And thereupon, &c. (as in other Informations.)

The Informer is to have a Moiety of this Forfeiture.

A Summons on the foregoing Information.

The Summons on the Information next before must be thus, viz. For the Sum of Thirty Pounds by you forfeited for making use of a Place for the Printing, Painting, Staining, and Dying of Callicoes and Linens without giving due Notice thereof at the next Office of Excise, and for the Duties on Silks, Callicoes, Linens, and Stuffs, printed, painted, stained, and dyed: You are therefore, &c. (the rest of the Summons as in other Summons.)

An Information against a Printer, &c. of Callicoes, &c. for not giving Notice of a Place by him used for drying Callicoes and Linens which had been printed.

(As in the Information next before) — Did make use of one Place for the Drying of Callicoes and Linens which by him had been so printed, painted, stained, and dyed as aforesaid, and in the said Place did then and there dry Callicoes and Linens which by him had been so printed, painted, stained, and dyed as aforesaid, before any Notice in Writing of the said Place so by him used as aforesaid had been given at the said Office, being the Office of Excise and for the said Duties on printing, painting, staining, and dying Callicoes

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The Of- fence; viz. Not giving Notice. Callicoes and Linens, &c. next to the said Place where the said Callicoes and Linens were so dry- ed as aforesaid; and that (before he so made use of the said Place for such drying as aforesaid,) he did not at the said Office or at any other Of- fice of Excise, or for the said Duties, give any Notice in Writing of the said Place so by him used for drying as aforesaid, as by the Statute in such Case made he ought to have done, but did wholly neglect to give such Notice, contrary to the Form of the said Statute; whereby he hath forfeited Thirty Pounds of lawful *English* Money: And thereupon, &c. (as in other Infor- mations.)

The Informer in this Case is to have a Moiety of the Forfeiture.

A Summons on the foregoing Information.

(As in other Summons) — For the Sum of Thirty Pounds by you forfeited, for making use of a Place for the drying Callicoes and Linens which by you had been printed, painted, stained, and dyed without giving due Notice thereof at the next Office of Excise, and for the Duties upon Silks, Callicoes, Linens, and Stuffs, printed, painted, stained, and dyed, &c. You are therefore, &c. (as in other Summons.)

An Information against a Maker of Starch, for not giving Notice of a Place by him used for making Starch.

An Office of Excise, &c. **B**E it Remembred, &c. (as in other In- formations) That according to the Form of the Statute in such Case made and pro- vided,

vided, an Office of Excise, and for the Duties laid upon Starch made in *Great Britain*, in and by several Statutes in such Case made and provided, hath for divers Years now last past been and yet is publickly and duly kept at *Dedham* in the said County of *Essex* by a proper Officer of the same, thereunto duly constituted and appointed, and there from time to time duly attending according to the Direction of the said Statute; and that one *John Stevens* within the Limits of the said Office, that is to say, at *Dedham* aforesaid, having for Three Months now last past been a Maker of Starch, for which Duties ought to be paid according to the Statute in such Case made; he the said *John Stevens* within Three Months now last past, that is to say, on the Tenth Day of *May* now last past, and within the Limits of the said Office, that is to say, at *Dedham* aforesaid, did make use of one Place for the making and keeping such Starch, and in the said Place did then and there make and keep such Starch as aforesaid, for which such Duties ought to have been paid as aforesaid, before any Notice in Writing of the said Place so by him used as aforesaid had been given at the said Office, being the Office of Excise and for the said Duties upon such Starch next to the said Place within the time aforesaid, so made use of as aforesaid; and that (before he so made use of the said Place as aforesaid) he did not at the said Office or at any other Office of Excise or for the said Duties give any such Notice in Writing of the said Place so by him used as aforesaid, as by the said Statute in such Case made he ought to have done; but did wholly neglect to give such Notice, contrary to the Form of the said Statute; whereby he hath forfeited Fifty Pounds of lawful Money of *England*:

The Defendant's being a Maker of Starch.

His using a Place for making Starch.

The Offence; viz. Not giving Notice.

England: And thereupon, &c. as in other Informations.)

The Informer in this Case is to have a Moiety of the Forfeiture.

The Summons on the Information next before must be thus, viz. For the Sum of Fifty Pounds by you forfeited, for making use of a Place for the making and keeping of Starch without giving due Notice thereof at the next Office of Excise, and for the Duties on Starch: You are therefore, &c. (the rest of the Summons as in other Summons.)

C H A P. VI.

Of Offences and Forfeitures by Hiding and Concealing.

WHen Manufactures liable to any of the Duties under the Management of the Commissioners of Excise are bidden and concealed to defraud the Crown of the Duties thereof, it frequently happens that they are hidden and concealed in Rooms or Places of which no Notice hath been given by the Offenders: In all which Cases the Offenders are liable to be prosecuted either for the respective Penalties for not giving due Notice of such Rooms or Places, or for the respective Penalties for such hiding and concealing; and as the Informer may in such Cases proceed either for the one or the other of the said Penalties, so he may lay Informations for both the said Penalties; but though he so doth, yet if in Fact an Offender hath hid and concealed but one Parcel,

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cel, or Quantity, there must not in such Case be Judgments against him for both Penalties, because none ought to be twice punished for the same Offence, which would be the Case if such Offender was to pay both the said Penalties; for though the not giving Notice of such Room or Place, and such hiding and concealing are Offences of different Denominations, yet if they are both done and used as the Means to defraud the Crown of the Duties of one and the same Parcel of Manufactures, there is really but one Fraud intended, though the same is branched out into Offences of different Denominations: And therefore in all such Cases where there are two or more Informations against a Defendant for so endeavouring to defraud the Crown of the Duties of one and the same Quantity, if Judgment be given against him on one such Information, the other Information or Informations must for the Reasons before be withdrawn, or the Defendant must be acquitted thereof; and the only use that can fairly be made of exhibiting two or more Informations in such Case is, that the Informer may at the Time of Hearing proceed upon such one of them as he then finds can be maintained by the Proof and Evidence which shall be then produced; but if the Proof then produced be sufficient to maintain the Information for the highest Penalty, the Informer may then proceed upon that, and if thereupon he obtaineth Judgment, the other or others must then be dropt or withdrawn.

The respective Penalties for not giving Notice of Rooms and Places used for the laying and keeping any Manufactures chargeable with these Duties (except Malt) are higher than the Penalties for hiding and concealing such Manufactures; and therefore when any Manufactures (except Malt) are found hid or concealed in Rooms or Places of which no Notice hath been given, it will be adviseable to proceed for the Penalty

ty for not giving Notice of such Rooms or Places; but if at the Hearing on such Information it doth appear that Notice hath been given of such Room or Place, the Defendant upon that Information must in such Case be acquitted of that Penalty; but though the Offender is so acquitted of such Information for not giving Notice, yet he may be convicted on such Information for hiding and concealing, and therefore the Informer may in such Case proceed for such hiding and concealing, it being possible so to hide and conceal even in a Room or Place of which Notice has been given, as may subject the Offender to the Penalty for hiding and concealing: For if the Clauses in these Acts of Parliament against such hiding and concealing were to be construed to extend to such hiding and concealing only as should be discovered in Rooms and Places of which no Notice had been given, the inserting those Clauses against hiding and concealing would then have been altogether unnecessary.

The Penalty against Maltsters for not giving Notice of a Room or Place used for the making or keeping Malt is Fifty Pounds, and the Penalty for hiding and concealing Malt is Ten Shillings per Bushel; if therefore the Quantity found hid and concealed doth exceed One Hundred Bushels, the Penalty for hiding and concealing will in such Case be higher than the Penalty for not giving Notice; therefore where the Quantity of Malt found hid and concealed doth exceed One Hundred Bushels, it may be adviseable to proceed for such hiding and concealing rather than for not giving Notice of the Room or Place where such Malt happeneth to be discovered.

C H A P. VII.

*Informations and Summons for Hiding
and Concealing.**An Information against a Maltster for Hiding
and Concealing one Parcel of Malt.*

County of South'ton, *ff.* **B**E it Remembred, That <sup>The Record-
ing of the
lying the
informati-
on.</sup> this Thirteenth Day
of February, in the Second Year of the Reign
of our Sovereign Lord King GEORGE, that
now is, at *Whitchurch* in the said County of *Southampton*, *Thomas Broughton*, Gent. in his proper
Person as well for His said Majesty, as for
himself, exhibiteth to us *AB* and *CD*, Esqrs.
Two of His said Majesty's Justices of the Peace
for the said County, residing near to the Place
where the Offence herein after mentioned was
committed, a Complaint and Information; and
thereby informeth us, That one *John Reeves* du- <sup>The Infor-
mation.</sup> ring Three Months now last past and longer,
having been and continued to be, and yet being
a Maltster and Maker of Malt, and not having
compounded for the Duties of the Malt herein af-
ter mentioned; he the said *John Reeves* within
Three Months now last past, that is to say, on
the Eighteenth Day of *December* now last past, at
Long Parish in the said County of *Southampton*,
did fraudulently hide, conceal, and convey away <sup>The Of-
fence.</sup> Malt by him made, that is to say, Twelve
Bushels of Malt so by him made as aforesaid,
from the Sight and View of one *William Arnold*,
being at the said Time of the said Hiding and
P Concealing

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Concealing thereof, and long before, and ever since, the Gager appointed to take an Account of the same, and then and there endeavouring to take such Account, which is contrary to the Form of the Statute in such Case made and provided; whereby he the said *John Reeves* for every Bushel of the said Malt so hid and concealed, hath forfeited Ten Shillings of lawful *English* Money, amounting in the whole to Six Pounds of like Money: And thereupon the said *Thomas Broughton*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the said Statute in such Case made, and that the said *John Reeves* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. John Reeves, Maltster.

County of South'ton, ss. **W**E *AB* and *CD*, Esqrs. Two of His Majesty's Justices of the Peace for the County of *Southampton*, do hereby give you Notice, That *Thomas Broughton*, Gent. hath exhibited before us an Information against you for the Penalty of Six Pounds by you forfeited, for hiding, concealing, and conveying away Twelve Bushels of Malt from the Sight and View of the Gagers appointed to take an Account of the same, contrary to the Form of the Statute in such Case made and provided: You are therefore hereby required, &c. (*as in other Summons.*)

An

An Information against a Maltster for Hiding and Concealing Two Parcels of Malt.

Isle of Ely in the County of Cambridge, ss.

BE it Remembred, That this Second Day of *April*, in the Second Year of the Reign of our Sovereign Lord King

GEORGE, that now is; at *Littleport* in the Isle of *Ely* in the County of *Cambridge*, *John Peele*, Gent. in his proper Person, as well for His said Majesty, as for himself, exhibiteth to us *AB* and *CD*, Esqrs. Two of His said Majesty's Justices of the Peace for the said Isle of *Ely*, residing near to the Place where the Offence herein after-mentioned was committed, a Complaint and Information; and thereby informeth us, That one *Mary Smith* during Three Months now last past and longer, having been, and continued to be, and yet being a Maltster and Maker of Malt, and not having compounded for the Duties of the Malt herein after mentioned; she the said *Mary Smith* within Three Months now last past, that is to say, on the Fifteenth Day of *March* now last past, at *Littleport* in the Isle of *Ely* aforesaid, did fraudulently hide, conceal, and convey away Malt by her made, that is to say, one Parcel of such Malt so made by her containing Two Hundred and Thirty Four Bushels, and another Parcel of such Malt so by her made containing Two Hundred and Seven Bushels from the Sight and View of one *Thomas Brown*, being at the said Time of the said Hiding and Concealing thereof, and of every Part thereof, there the Gauger duly appointed to take an Account of the same, and then and there endeavouring to take such Account there-

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of, which is contrary to the Form of the Statute in such Case made and provided; whereby the said *Mary Smith* for every Bushel of the said Malt so hid and concealed as aforesaid, hath forfeited Ten Shillings of lawful English Money, amounting in the whole to Two Hundred and Twenty Pounds and Ten Shillings of like Money; and thereupon the said *John Peele*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises; and that he may have one Moiety of the said Forfeitures, according to the Form of the Statute in such Case made; and that the said *Mary Smith* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mrs. Mary Smith, Maltster.

Isle of Ely in the { *WE AB and CD, Esqrs.*
County of Cam- { Two of His Majesty's
bridge, ff. } Justices of the Peace for the
Isle of Ely aforesaid, do hereby
 give you Notice, That *John Peele*, Gent. hath
 exhibited before us an Information against you
 for the Penalty of Two Hundred and Twenty
 Pounds and Ten Shillings, by you forfeited, for
 Hiding and Concealing Two several and respec-
 tive Parcels of Malt, the whole consisting of
 Four Hundred and Forty one Bushels of Malt
 from the Sight and View of the Gauger ap-
 pointed to take an Account of the same, con-
 trary to the Form of the Statute in such Case
 made: You are therefore hereby required, &c.
 (*as in the foregoing Summons*.)

There

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There is not any expresse Clause for the Penalty against Makers of Mead for not giving Notice of their Cellars or Places for keeping of Mead, and therefore the proper way to proceed against them will be for the Penalty for hiding, &c. according to the following Information.

An Information against a Mead-maker for hiding Mead.

Surry, ff. **B**E it Remembred, That this Fourth Day of June, in the First Year of the Reign of our Sovereign Lord King GEORGE, that now is, at *Kingston* in the County of *Surry*, *Charles Parry*, Esq; in his proper Person, as well for His said Majesty, as for himself, exhibiteth to us *A B* and *C D*, Esqs. Two of His said Majesty's Justices of the Peace for the said County, residing near to the Place where the Offence herein after mentioned was committed, a Complaint and Information; and thereby informeth us, That one *Giles Harris* during Three Months now last past and longer, having been, and continued to be, and yet being a Maker of Mead for Sale; he the said *Giles Harris* within Three Months now last past, that is to say, on the Seven and Twentleth Day of *May* now last past, at *Kingston* aforesaid, did fraudulently hide, conceal, and convey away Mead by him made, that is to say, Ten Gallons of Mead from the Sight and View of one *James Allen*, being at the said Time of the said Hiding and Concealing thereof, and of every Part thereof, the Gauger duly appointed to take an Account of the same, and then and there endeavouring to take such

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Account thereof, which is contrary to the Form of the Statute in such case made; whereby the said *Giles Harris* hath forfeited Five Shillings of lawful *English* Money for every Gallon of the said Mead so hid, concealed, and conveyed away as aforesaid, amounting in the whole to Fifty Shillings of like Money; and thereupon the said *Charles Parry*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeitures according to the Form of the Statute in such Case made, and that the said *Giles Harris* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

By the Act of 3 & 4 W. & M. Cap. 15. Sect. 2. Excise-Book, Fol. 118, & 119. the Penalty for Hiding and Concealing Low-Wines, Spirits, and Strong-Waters is 5 s. per Gallon, of which no Part being by the said Act given to the Informer; and the said Act not having appointed any other Distribution of the said Penalty, the whole belongs to the Crown; and therefore Informations for this Offence must be on the Behalf of the King only, and not on the Behalf of the King and of the Informer.

An Information against a Common-Distiller for Hiding and Concealing Low-Wines, and for Hiding and Concealing Spirits and Strong-Waters.

Kent, ff. **B**E it Remembred, That this Thirtieth Day of May, in the Second Year of the Reign of our Sovereign Lord King
 GEORGE,

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GEORGE that now is, at *Maidstone* in the County of *Kent*, *Philip Bamford*, Gent. in his proper Person, for and on the Behalf of his said Majesty, exhibiteth to us, &c. (as in other Informations) That within Three Months now last past, that is to say, on the Eight and Twentieth Day of *May* now Instant, at *Maidstone* in the said County of *Kent*, one *Thomas Smith* being all that time and ever since a Common-Distiller, did hide, conceal, and convey away certain Low-Wines, Spirits, and Strong-Waters made by him the said *Thomas Smith* for Sale, that is to say, Forty Gallons of Low-Wines so by him made for Sale, and Twenty Gallons of Spirits and Strong-Waters so by him made for Sale, from the Sight and View of one *Jasper Downes* at that Time, and long before, and ever since, there the Gauger duly appointed to take an Account of the same, and then and there endeavouring to take such Account thereof, whereby His Majesty might have been defrauded of the Duties due for the said Low-Wines, Spirits, and Strong-Waters so hid, concealed, and convey'd away, contrary to the Form of the Statute in such Case made and provided; whereby the said *Thomas Smith* hath forfeited Five Shillings of lawful *English* Money for every Gallon of the said Low-Wines, Spirits, and Strong-Waters so hid, concealed, and conveyed away as aforesaid, amounting in the whole to Fifteen Pounds of like Money; and thereupon the said *Philip Bamford* for and on His said Majesty's Behalf, humbly prays the Judgment of us the said Justices in the Premises, and that the said *Thomas Smith* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

Of Informations for Hiding and Concealing.

The Penalties against Makers of Candles, Soap, Paper and Starch, and against Printers and Painters of Paper for Hangings, and against Printers Painters, &c. of Silks, Callicoes, Linens or Stuffs, and against Planters and Owners of Hops, for Hiding and Concealing any of the said Manufactures or Commodities, or the Materials for making the said respective Manufactures, are a Sum certain in each of the said respective Cases, viz. Twenty Pounds in each Case, and not more or less in Proportion to the Quantity hidden and concealed; and therefore in Informations against any of them, for hiding and concealing, it will not be necessary to mention any particular Quantity; but it will be sufficient in such Information to mention that the Defendant did hide and conceal either Candles, Soap, Paper, &c. or Materials for the making thereof, without particularly expressing the Quantity which is so hid and concealed, in the following manner, viz.

An Information against a Maker of Candles, for hiding and concealing Candles and Materials for making Candles.

C. J. **B**E it Remembred, &c. (as before in the Information against a Maltster,) That *A B.* for three Months now last past and longer, having been, and continued to be a Maker of Candles, he the said *A B* within three Months now last past, that is to say, on the fifth Day of June now instant, at *B* in the County of *C* aforesaid, did fraudulently hide and conceal Candles by him made, which were chargeable by the several Statutes made for laying Duties upon Candles, and also Materials for the making such
Candles,

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Candles, to the Intent to deceive his said Majesty of his just Duties, to him granted by the said Statute upon Candles, contrary to the said Statute in such Case made, whereby he hath forfeited Twenty Pounds of lawful English Money; And thereupon &c. (as in the Information against a Maltster.)

An Information against an Owner of Hops, for hiding and concealing Hops.

Kent. *ff.* **B**E it Remembred, &c. (as in the Information before against a Maltster,) That *A B* being at the Time of the hiding and concealing herein after mentioned, Owner of the Hops herein after mentioned, he the said *A B* within three Months now last past, that is to say, on the Thirtieth Day of September now last past, at *C.* in the said County of Kent, did fraudulently hide and conceal, and did cause to be so hid and concealed Hops belonging to him the said *A B* which were chargeable by the Statute for laying Duties on Hops, to the Intent to deceive his said Majesty of his just Duties to him granted by the said Statute, contrary to the said Statute in such Case made, whereby he hath forfeited Twenty Pounds, &c. (as in the Information against a Maltster.)

An Information against a Maker of Soap, for Hiding and Concealing Soap, &c.

Devon. *ff.* **B**E it Remembred, &c. (as in the Information before against a Maltster,) That *A B* for Three Months now last past and longer,

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longer, having been, and continued to be, and yet being a Maker of Soap; he the said *A B*. within Three Months now last past, that is to say, on the Second Day of *October* now instant, at *L*. in the County of *D*. aforesaid, did fraudulently hide and conceal, and did cause to be so hid and concealed, Soap by him made which was chargeable by the Statute for laying Duties on Soap, and also Materials for the making such Soap, to the Intent to deceive His said Majesty of His just Duties to him granted by the Statute for laying Duties upon Soap, contrary to the said Statute in such Case made; whereby he hath forfeited Twenty Pounds of lawful Money of *England*, &c. (as in the foregoing Information against a *Maltster*.)

An Information against a Maker of Paper, for Hiding, &c. Paper by him made, and Materials for the Making of Paper.

Surry, ff. **B**E it Remembred, &c. (as in the Information before against a *Maltster*.) That *A B* for three Months now last past and longer, having been, and continued to be, and yet being a Maker of Paper; he the said *A B* within Three Months now last past, that is to say, on the Thirtieth Day of *April* now last past, at *B* in the said County of *Surry*, did fraudulently hide and conceal, and did cause to be so hid and concealed Paper by him made, which was chargeable by the Statute for laying Duties on Paper, and also Materials for making such Paper, to the Intent to deceive His said Majesty of his just Duties to Him granted by the Statute for laying Duties upon Paper, contrary to the Form of the said Statute

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Statute in such Case made; whereby he hath forfeited Twenty Pounds of lawful *English Money*, &c. (*as in the foregoing Information against a Malster.*)

An Information against a Printer and Painter of Paper to serve for Hangings or other Uses, for Hiding, &c. Paper by him printed and painted to serve for the Uses aforesaid.

Suffex, ss. **B**E it Remembred, &c. (*as in the Information before against a Malster,*) That *A B* for Three Months now last past and longer having been, and continued to be, and yet being a Printer and Painter of Paper to serve for Hangings or other Uses; he the said *A B* within Three Months now last past, that is to say, on the Tenth Day of *May* now last past, at *D.* in the said County of *Suffex*, did fraudulently hide and conceal, and did cause to be so hid and concealed Paper by him printed and painted to serve for Hangings or other Uses, which was chargeable by the Statute for laying Duties on such Paper, to the Intent to deceive His said Majesty of His just Duties to him granted by the Statute for laying Duties upon Paper, contrary to the Form of the said Statute in such Case made; whereby he hath forfeited Twenty Pounds of lawful *English Money*, &c. (*as in the foregoing Information against a Malster.*)

An

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An Information against a Printer and Painter of Callicoes and Linens, for Hiding, &c. Callicoes and Linens before the same had been printed or painted.

Essex, ss. **B**E it Remembred, &c. (as in the Information before against a Maltster,) That *A B* for Three Months now last past and longer, having been, and continued to be, and yet being a Printer and Painter of Callicoes and Linens; he the said *A B* within Three Months now last past, that is to say, on the First Day of *June* now last past, at *C.* in the said County of *Essex*, did fraudulently hide and conceal, and did cause to be so hid and concealed Callicoes and Linens before the same had been by him printed or painted, which were chargeable by the Statute for laying Duties on such Callicoes and Linens, to the Intent to deceive His said Majesty of His just Duties to Him granted by the said Statute, contrary to the said Statute in such Case made; whereby he hath forfeited Twenty Pounds of lawful Money of *England*, &c. (as in the foregoing Information against a Maltster.)

If for Hiding, &c. Callicoes and Linens after the same have been printed and painted, then thus.

— Did fraudulently hide and conceal, and did cause to be so hid and concealed, Callicoes and Linens, after the same had been by him printed and painted, which were chargeable by the Statute for laying Duties on such Callicoes and
Linens,

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Linens, to the Intent to deceive His said Majesty, &c. (as before)

*An Information against a Maker of Starch,
for Hiding and Concealing Starch by him
made, and Materials for making Starch.*

County of Hertford, ff. **B**E it Remembred, &c. (as in the Information before against a Maltster,) That *AB* for Three Months now last past and longer, having been, and continued to be. and yet being a Maker of Starch; he the said *AB* within Three Months now last past, that is to say, on the Twentieth Day of April now last past, at *C.* in the said County of Hertford, did fraudulently hide and conceal, and did cause to be so hid and concealed, Starch by him made, which was chargeable by the Statute for laying Duties on Starch, and also Materials for making such Starch, to the Intent to deceive His said Majesty of His just Duties to Him granted by the Statute for laying Duties on Starch, contrary to the said Statute in such Case made; whereby he hath forfeited Twenty Pounds of lawful Money of England, &c. (as in the foregoing Information against a Maltster.)

C H A P. VIII.

Of Offences and Forfeitures by refusing to permit Officers to enter, &c. or to gauge and take Accounts, &c. And by obstructing or hindering Officers in the Execution of the Powers, &c. given them by several Acts of Parliament.

BY several Clauses in the several and respective Acts of Parliament relating to all and every the Duties under the Management of the Commissioners of Excise, the Officers at all Times, as well by Night as by Day, and if by Night then in the Presence of a Constable, or other lawful Officer, are upon their Request to be permitted to enter and go into all Houses and Places belonging to or used by the respective Manufacturers of the several Manufactures charged with the said Duties, and are likewise to be permitted there to gauge, take Accounts, and measure the several and respective Manufactures and Commodities charged with those Duties, and of the Materials for making and working such Manufactures; and if upon such Request the Officers are refused either so to enter or to take such Accounts, the Manufacturer so refusing is liable to the respective Penalties in such Cases appointed.

But you are to understand, That besides verbally refusing or telling the Officer that he shall not enter, or that he shall not take an Account, there

there may be an actual refusing; as where a Manufacturer having his Doors, &c. shut, lock'd, and made fast, doth not upon Demand open them, or cause them to be opened, and yet perhaps doth not then tell the Officer that he will not open them, or that he shall not enter, &c. though this is not a verbal, yet this is an actual refusing to permit such Officer to enter. Or if a Manufacturer having contrived the Utensils and Places used for his Manufacture so that an Officer cannot take an Account of the Manufactures there found; and if upon Demand in such Case fairly made by the Officer such Manufacturer refuse to do or suffer to be done, or doth not do such Act or Acts as may make it practicable for an Officer to take an Account of the Manufacture there found; this also is an actual refusing to permit such Officer to take such Account, (*as for Instance:*) If a Maltster hath his Cistern wall'd and block'd up, leaving but only one particular part where an Officer can come to gauge a small part only of the Corn in such Cistern, (as some have done) so that no Officer can take a true Gauge of the Quantity of such Corn in such Cistern: And if the Maltster, tho' requested to make it practicable for the Officer to take a true Gauge of all the Corn in such Cistern so as to take a true Account thereof, doth refuse so to do, such refusing or keeping such Cistern so block'd up after such Demand as aforesaid, is refusing to permit such Officer to take an Account.

Or if as in other Instances (it hath happened) a Maltster stoppeth up the Windows and Lights, so that it is not possible even in the Day-time to see into all Parts of his Cistern, and if after Demand in such Case made, such Maltster refuse

fuseth to unstop such Windows or Lights, or doth not unstop or open the same, such refusing to unstop such Windows or Lights, or keeping the same so stopped up as aforesaid, is an actual refusing to permit such Officer to take an Account; for when a Law requires and enjoyns any thing to be done, the necessary Means for the doing thereof, and without which such Thing cannot be done, are implied, though perhaps not expressed in such Law.

And as verbally refusing to permit the Officer either to enter or to take such Accounts is an Offence against the Leter, so the before-mentioned Methods are Offences against the plain Sense and Meaning of the before-mentioned Clauses; the Intent thereof being, that all such Persons as are liable to these Duties should be obliged to order and dispose their Houses, Places, and Practices so, and in such manner that these Laws may be complied with, and may be put in Execution, and that it may be possible and practicable for the Officers to perform their respective Duties; and if the respective Persons liable to these Duties after Demand made, refuse so to do, they in such Cases may be prosecuted for the before-mentioned Penalties.

But here it is to be understood, That every Difficulty which an Officer may happen to meet with won't be a just Cause of Prosecution; for it will happen that some Houses and Places cannot be so easily surveyed as some others, and therefore the Officers must be content at some Places to take more Pains and be at more Trouble than will be necessary at others, and must not in all such Cases immediately lay Informations; for as persons liable to these Duties must not either by Design or want of due Foresight and

Obstructing Officers.

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and Care put Impossibilities or unnecessary Difficulties upon the Officers, so the Persons liable to these Duties must not be prosecuted on these Clauses, for and upon Account of every Difficulty which an Officer may meet with; but if their Houses or Places are so contrived that it is impracticable for Officers there to take true Gauges and Accounts, and if upon Request and Demand they will not alter them, they then may be prosecuted on these Clauses.

For though in such Cases the Manufacturers will perhaps pretend, That such Impracticableness of taking such Accounts happens from what they alledge, they cannot help, or from what they call Necessity, *viz.* from the Situation, Straitness, want of Room or other Circumstances of their Houses and Places, yet such Allegations when rightly considered won't prove to be true.

For if a Maltster at every Time of Wetting his Corn will wet more Corn than can be conveniently worked in his Malt-House, and if thereby it happens that his several Couches and Floors do lie so close that they cannot be gauged and taken an Account of separately, (as they ought to be,) he may perhaps alledge that this is not his Fault, but is only the Consequence of the Straitness and Want of more Room in his Malt-House; but this or the like Pretences are only Evasions and are not really true; for his Couches and Floors lying so close is not the Effect of Necessity, but of his own Choice; for such Maltster may and ought in such Case at every Wetting to wet only so much Corn as can be worked in his Malt-House, so as that the Law may be complied with, and that the Officer may take true Gauges and Accounts of each Couch

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Of Offences by Refusing and

and Floor separately and distinctly; and though perhaps he can't make his Malt-House larger, yet he may make his Wettings less; but his wetting more Corn than can be so managed, is his own voluntary Act, and therefore ought not to be admitted as an Excuse of any Consequences thereby happening which are contrary to the Law in such Case made.

And if the Conveniencies of his Malt-House are not large enough for his Trade, he may take a bigger or another Malt-House, but in the mean Time he must so work his Malt as not to break the Law.

If one by Contrivance or for want of Contrivance bring himself under a seeming Necessity of Breaking a known Law, such seeming Necessity won't excuse the Breaking such Law.

If a Waggoner so load his Waggon that he is under a Necessity to use more Horses than are allowed by the Statute, such seeming Necessity won't excuse his acting against that Law; the Heaviness of his Load may make it necessary to use more Horses than he ought; but it was not Necessity but his own Choice that the Load was so heavy.

A Maltster for his own Sake won't have his Cistern situate in such manner that he or his Servants can't fill and empty it, and for the Sake of Complying with the Law he ought not to have it so that the Officers can't gauge all Parts of it; and if he hath and keeps it so, especially after being admonished thereof, it is in Reality the same Thing as if he verbally refused to permit the Officer to gauge his Cistern, for it is his own wilfull Act and Choice to set up or to take or keep a Cistern that is so situate, and therefore he ought to be liable to Penalties and Forfeitures

as often as the Officer finds Corn in a Cistern so situate that it is impracticable for any Officer to take true Gauges and Accounts of the Corn in such Cistern.

To prevent Complaints of frivolous and vexatious Prosecutions in these Cases, it will be necessary, That the Officers do in the first Place acquaint the Offenders with the particular Obstacles, Thing or Things which hinder and prevent them from doing their respective Duties, and do likewise request that such Thing or Things may be removed or altered so that it may be possible and practicable for them to do and perform their respective Duties; and that the Officers do also acquaint such Offenders that unless they order their Affairs accordingly, they will be prosecuted for the Penalties in such Cases; and if after all, such Offenders refuse so to do, they then may be prosecuted on the before-mentioned Clauses for refusing to permit the Officers to take such Accounts.

It may be further observed, That if when Officers in the Execution of their Offices are actually going, or entering or endeavouring to enter into Houses or other Places belonging to Manufacturers, there to do and perform their Duty, or if after they are entered and are actually taking or endeavouring to take such Accounts, they are either assaulted or beaten, or are by Force holden, and if thereby or by any other Means they are hindred from so doing, such Assaulting, Beating, Holding, or Hindering is Refusing to permit them to enter or take such Accounts.

But besides the said Clauses for Penalties for refusing to permit Officers to enter and to take such Accounts, there are also other Clauses for inflicting Penalties on such as shall obstruct or

Of Offences by Refusing and

hinder Officers in the Execution of the Powers and Authorities given them by the several Acts of Parliament in such Case made, and particularly in the Act of 8 *Annæ* for laying Duties upon Candles, *Excise Book, Fol. 366.* is the following Clause, *viz. And be it Enacted, That if any Maker or Makers of Candles shall obstruct or hinder any of the said Officers in the Execution of the Powers and Authorities given to him or them by this Act for ascertaining and securing the said Duties upon Candles, the Person or Persons offending therein shall for every such Offence forfeit and lose the Sum of Twenty Pounds.*

There is the like Clause in the Malt Act of 1 *GEORGE II Regis*, but the Penalty there is but Ten Pounds: And in the several Acts for laying Duties on Soap and Paper, and on printing, painting, &c. Silks, Callicoes, Linens and Stuffs, and on Starch, and on Gilt or Silver Wire; there are the like Clauses each for the Penalty of Twenty Pounds.

If therefore when an Officer is entering or endeavouring to enter the Houses, &c. of any of these Manufacturers last mentioned, or when he is taking or endeavouring to take Accounts of any of the said Manufactures he is assaulted or beaten, or forcibly holden, or by any other Methods or Means is hindred from so doing, the Offender in such Case may be prosecuted for the said respective Penalties on the said respective Clauses: But in all such Cases it will be necessary to prove that such Officer was at that Time actually in the Execution of his Office, and performing or endeavouring to perform the Duty thereof.

But the Words *obstruct* and *hinder* being of a general Import and Signification, it will be proper in such Information particularly to mention the

the manner of ſuch Obſtruction or Hindering, viz. Whether it was by Affaulting and Beating, or by forcibly holding or laying Hands on ſuch Officer; and where by any ſpecial or uncommon Method an Officer is obſtructed or hindered in the taking an Account, it will be proper in ſuch Information to mention ſomething of the manner of ſuch ſpecial Method of obſtructing or hindring the Officer in the taking ſuch Account.

In all ſuch Caſes it will be proper for the Officer to admoniſh and caution the Offender of the Conſequences of ſuch Actions and Behaviour of ſuch Offender.

CH A P. IX.

Informations and Summons for reſuſing to permit Officers to Enter, or to take Accounts.

*An Information againſt a Maltſter, for Re-
fuſing to permit an Officer in the Day-Time
to Enter his Malt-houſe.*

City of York, ſ. **B**E it Remembred, That on the ^{The Recor-} Third Day of June, in the ^{dine of the} Thirteenth Year of the Reign of our Sovereign ^{laying the} Lady Queen ANNE that now is, at the City of ^{Informati-} York, T. M. Gent. in his proper Perſon, as well ^{on.} for Her ſaid Maſteſty, as for himſelf, exhibiteth to us A B and C D, Eſqs. Two of Her ſaid Maſteſty's Juſtices of the Peace for the ſaid City and County of the ſame, reſiding near to the Place where

*Informations and Summons for**The Information.*

where the Offence herein after mentioned, was committed, a Complaint and Information; and thereby informeth us, That *Francis Gregg* for three Months now last past and longer, hath been and yet is a Gauger and an Officer of Excise, and for the Duties granted to Her said Majesty upon Malt, duly constituted, appointed and qualified, according to the Form of the Statute in such Case made; and that he so being such Gauger and Officer as aforesaid, he within the said three Months now last past, that is to say, on the Fifth Day of *May* now last past, in the Day-time of the said Day, at the Parish of *St. Hellen by the Wall*, in the said City of *York*, at a Malt-house then and there belonging to and used by one *Adam Williams* (who then was, and during the said three Months now last past and longer, hath continued to be, and yet is there a Maltster and Maker of Malt, and had not, nor hath compounded for the Duties on Malt by him during that time there made, or to be made) Did in the Execution of his said Office, duly request and desire the said *Adam Williams* to permit him the said *F. G.* (such Officer then and there being) in the Execution of his said Office, then and there to enter into the Malt-house aforesaid, in order to do and perform his Office therein: But notwithstanding such Request so made as aforesaid, yet the said *Adam Williams* neither did nor would permit him the said *Francis Gregg*, (such Officer then and there being) to enter or go into the said Malt-house, as by the Statute in such Case made and provided, he ought to have done; but to permit him so to do, did then and there utterly refuse, contrary to the Form of the said Statute; Whereby the said *Adam Williams* hath forfeited the Sum of Twenty Pounds of lawful *English* Money:

*Request to Enter.**The Offence.**Forfeiture.*

Refusing Officers to Enter, &c.

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Money: And thereupon the said *T. M.* who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made, and that the said *Adam Williams* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. Adam Williams, Maltster.

City of York, ff. **W**E *AB* and *CD*, Esqs. Two of Her Majesty's Justices of the Peace for the said City of York and County of the said City, do hereby give you Notice, That *T. M. Gent.* hath exhibited before us an Information against you, for the Sum of Twenty Pounds by you forfeited, for refusing to permit *Francis Gregg*, an Officer of Excise, in the Day-time to enter into a Malt-house belonging to, and used by you, to do and perform his Office therein; you are therefore, &c. (*as in other Summons before.*)

If a Maltster permit the Officer to enter his Malt-house, but after refuse to permit him to enter some particular Room or Part of his House; then thus, viz.

City of York, ff. **B**E it Remembred, &c. (*as in the foregoing Information*) That *Francis Gregg* for three Months now last past and longer, hath been, and yet is a Gauger and an Officer of Excise, and for the Duties granted to His said Majesty upon Malt, duly constituted, appointed

*Informations and Summons for**Request to
Enter.*

appointed land qualified, according to the Form of the Statute in such Case made; and that he so being, he within three Months now last past, that is to say, on the Fifth Day of *May* now last past, in the Day-time of the said Day, at the Parish of *St. Hellen by the Wall*, in the said City of *York*, being then and there lawfully entered into a Malt-house then and there belonging to and used by one *Adam Williams* (who then was, and during the said three Months now last past and longer, hath continued to be, and yet is there a Maltster and Maker of Malt, and had not, nor hath not compounded for the Duties on Malt by him during that time there made or to be made) Did then and there, in the Execution of his said Office, duly request and desire the said *Adam Williams* to permit him the said *Francis Gregg* (such Officer then and there being) in the Execution of his said Office, to enter into a Room then and there belonging to, and used by the said *Adam Williams*, in order to do and perform his Office therein; but notwithstanding such Request so made as aforesaid, yet the said *Adam Williams* neither did nor would permit him the said *Francis Gregg* (such Officer then and there being) to enter or go into the said Room, as by the Statute in such Case made and provided

*The Offence.**Forfeiture.*

he ought to have done; but to permit him so to do, did then and there utterly refuse, contrary to the Form of the said Statute; Whereby the said *Adam Williams* hath forfeited the Sum of Twenty Pounds of lawful *English* Money; and thereupon, &c. (as in the foregoing Information.)

The Summons on this Information in the same Form as on the Information next before; only instead of the Word (Malt-house) insert the Word (Room).

An

An Information against a Maltster for Refusing to permit the Officer in the Night-time, in the Presence of a Constable, to Enter his Malt-house.

City of York, ff. **B**E it Remembred, &c. (as in the *The Information.* foregoing Information), That Francis Gregg, for three Months now last past and longer, hath been and yet is a Gauger and an Officer of Excise, and for the Duties granted to His said Majesty upon Malt, duly constituted, appointed and qualified, according to the Form of the Statute in such Case made; and that he so being, he within three Months now last past, that is to say, in the Night-time between the Twelfth and Thirteenth Days of April now last past, in the Presence of a Constable at the Parish of St. Hellen by the Wall in the said City of York, at a Malt-house then and there belonging to and used by one Adam Williams (who then was, and during the said three Months now last past and longer, hath continued to be, and yet is a Maltster and Maker of Malt, and had not, nor hath compounded for the Duties on Malt by him during that time made, or to be made) Did in the Execution of his said Office, and in the Presence of the said Constable, duly request and desire the said Adam Williams, to permit him the said Francis Gregg (such Officer then and there being) in the Execution of his said Office, and in the Presence of the said Constable, then and there to Enter into the Malt-house aforesaid, in order to do and perform his Office therein; but notwithstanding such Request so made in the Presence of the

Request to Enter.

the

Informations and Summons for

the said Constable, as aforesaid, yer, &c. (as in the foregoing Information for refusing Entrance into a Malt-house.)

A Summons on the foregoing Information.

To Mr. Adam Williams, Maltster.

City of York, ff. **W**E *AB* and *CD*, Esqrs. two, &c. (as in the foregoing Summons on the Information against a Maltster) for refusing to permit *Francis Gregg*, an Officer of Excise, in the Night-time, and in the Presence of a Constable, to enter into your Malt-house, and to perform his Office therein; you are therefore, &c. (as in other Summons.)

An Information against a Common-Brewer, for refusing to permit an Officer in the Day-time, to Gage and take an Account of his Beer, Ale and Worts.

City of Exeter, ff. **B**E it Remembred, &c. (as in other Informations) and thereby informeth us, That *John Jones* for three Months now last past and longer, hath been and yet is a Gauger and Officer of Excise, duly constituted, appointed and qualified, according to the Form of the Statute in such Case made; and that he so being, he within three Months now last past, that is to say, on the First Day of *November* now Instant, in the Day-time of the said Day, at the said City of *Exeter*, at and in a Brew-house and Place of Brewing, then and there belonging to, and used by *William Symonds* (who then was, during

The Information.

Refusing Officers to Enter, &c.

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during the said three Months now last past and longer, hath continued to be, and yet is there a Common-Brewer) did in the Execution of his ^{Request to} said Office, request and desire the said *William Symonds* to permit him the said *John Jones* (such Gauger and Officer then and there being) in the Execution of his said Office then and there to gauge and take an Account of certain Beer, Ale and Worts, by him then and there found; but notwithstanding such Request so made, yet the said *William Symonds* neither did nor would permit him the said *John Jones* (such Gauger and Officer then and there being) to gauge and take an Account of the said Beer, Ale and Worts then and there being, as by the Statute in such Case made and provided he ought to have done; but to permit him so to do, did then and there utterly ^{The Of-} refuse, contrary to the Form of the said Statute; ^{fence.} whereby the said *William Symonds* hath forfeited the Sum of Twenty Pounds of lawful *English* Money; and thereupon, &c. (as in other Informations.)

A Summons on the foregoing Information.

To Mr. William Symonds, Common-Brewer.

City of Exeter, ff. **W**E *AB* and *CD*, Esqrs. Two, &c. (as in the foregoing Summons against a Maltster) for refusing to permit *John Jones*, Officer of Excise, in the Day-time, to gauge and take an Account of certain Beer, Ale and Worts by him found at your Brew-house or Place of Brewing; you are therefore, &c. (as in other Summons.)

An

*An Information against a Common-Distiller,
for Refusing to permit an Officer in the
Day-time to Gauge and take an Account.*

City of Bristol, ff. **B**E it Remembred &c. (as in other Informations,) and thereby informeth us, That *James Hughes* for Three Months now last past and longer, hath been and yet is a Gauger and Officer of Excise duly constituted, appointed, and qualified according to the Form of the Statute in such Case made; and that he so being, he within Three Months now last past, that is to say, on the First Day of *January* now instant, in the Day-time of the said Day at the said City of *Bristol*, at and in a Distilling-House and Place of Distilling then and there belonging to and used by *Henry Freeman*, (who then was, and during the said Three Months now last past hath continued to be and yet is there a Common-Distiller of Low-Wines, Spirits, and Strong-Waters for Sale and Exportation,) did in the Execution of his said Office duly request and desire the said *Henry Freeman* to permit him the said *James Hughes* (such Officer then and there being) in the Execution of his said Office, then and there to Gauge and take an Account of certain Low-Wines, Spirits, and Strong-Waters by him then and there found; but notwithstanding such Request so made, yet the said *Henry Freeman* neither did nor would permit the said *James Hughes*, (such Officer then and there being) to Gauge and take an Account of the said Low-Wines, Spirits, and Strong-Waters, as by the Statute in such case made he ought to have done, but to permit him so to do, did then and there

*The Inform-
ation.*

*Request to
to take an
Account.*

*The
Offence.*

there utterly refuse, contrary to the Form of *The For-*
the said Statute; whereby the said *Henry Freeman* *seizure.*
hath forfeited the Sum of Fifteen Pounds of law-
ful English Money: And thereupon, &c. (as in
other Informations.)

A Summons on the foregoing Information.

To Mr. Henry Freeman, Common-Distiller.

City of Bristol, ff. **W**E *AB and C.D, Esqrs;*
Two &c. (as in the fore-
going Summons against a Maltster,) for refusing to
permit *James Hughes* Officer of Excise in the
Day-Time, to gauge and take an Account of
certain Low-Wines, Spirits, and Strong-Wa-
ters by him found at your Distilling-House or
Place of Distilling: You are therefore, &c. as
in *other Summons, changing only such Words as are*
necessary to be changed.)

The like Information and Summons will serve a-
gainst Makers of Vinegar, Sweets, Metheglin,
or Mead, or against Retailers of Cyder, against
each of which the Penalty is Fifteen Pounds for
not permitting an Officer to enter, &c. or to gauge
or take Accounts, &c.

By Clauses in the respective Acts for laying Duties
upon Candles, Soap, and Paper, and upon print-
ing, &c. of Silks, Callicoes, Linens, and Stuffs,
and upon Starch, Officers are to be permitted to
enter all Places used by or belonging to the said
respective Manufacturers; but the Penalties for
refusing to permit them so to do are not particular-
ly mentioned in the said respective Clauses; but
instead thereof in each of the said respective Acts
are

Informations and Summons for

are *Clauses* whereby all the *Powers, Penalties, Clauses, &c.* in the former *Acts of Excise* are declared and enacted to be in full Force in relation to the said respective *Duties on Candles, &c.* By *Virtue* whereof, if *Makers of Candles, Soap, Paper, or Printers of Callicoes, Linens, &c.* or *Makers of Starch* refuse to permit *Officers* to enter or take *Accounts*: They for such refusing, may respectively be prosecuted for the *Penalties* either of *Twenty Pounds* or of *Fifteen Pounds*, as the *Informer* shall think fit to lay his *Information*.

An Information against a Maltster, for refusing to permit an Officer in the Night-time and in the Presence of a Constable to take an Account of Corn there making into Malt.

The Information.

Bucks, ss. **B**E it Remembred, &c. (as in other *Informations*,) That *CH* for Three Months now last past and longer, hath been and yet is a publick *Maltster* and *Maker of Malt* for Sale, and not having compounded for the *Duties on Malt* by him made and to be made, at and in a *Malt-House* and Place of making *Malt* belonging to and used by him the said *CH*, situate and being at *West Wycombe* in the said County of *Bucks*; and that *Samuel Downes* for Three Months now last past, hath been and yet is a *Gauger* and *Officer of Excise*, and for the *Duties* granted to His said Majesty upon *Malt*, duly constituted, appointed, and qualified, according to the *Statute* in such Case made and provided; and that they the said *CH* and *SD* so respectively being such *Maltster* and such *Gauger* and *Officer* as aforesaid; he the said *SD* within
Three

Refusing Officers to Enter, &c.

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Three Months now last past, that is to say, in the Night-time between the Twelfth and Thirteenth Days of *April* now last past, in the Execution of his said Office, and in the Presence of a Constable was at and in the said Malt-House of the said *CH* in West *Wycombe* aforesaid, and then and there finding Corn which before that Time had been wetted and steeped by the said *CH* to be made into Malt, and was then and there making into Malt; he the said *SD* in the Execution of his Office and in the Presence of the said Constable did then and there request him the said *CH*, to permit him the said *SD*, such Gauger and Officer then and there being, to Gauge and take an Account of the said Corn which had been wetted and steeped, and was then and there found as aforesaid: But notwithstanding such Request so made as aforesaid, yet the said *CH* neither did nor would permit the said *SD* (such Officer then and there being,) to Gauge and take an Account of the Corn aforesaid, then and there found as aforesaid, as by the Statute in such Case made he ought to have done; but to permit him so to do did then and there utterly refuse, contrary to the Form of the Statute in such Case made; whereby the said *CH* hath forfeited the Sum of Twenty Pounds of lawful *English* Money: And thereupon, &c. (as in other Informations.)

*Request to
take an
Account.*

*The Of-
fence.*

A Sum-

*A Summons on the foregoing Information.**To Mr. C H, Maltster.*

Bucks, ss. **W**E, &c. (as in other Summons,) For Refusing to permit *Samuel Downes* Officer of Excise in the Night-time, and in the Presence of a Constable, to gauge and take an Account of Corn found in your Malt-house, by you wetted and steeped in order to be made into Malt, and then and there making into Malt: You are therefore, &c. (as in other Summons.)

C H A P. X.

Informations and Summons for Obstructing, &c. Officers.

An Information against a Maker of Candles, for Obstructing an Officer in taking an Account of his Candles, and of his Materials for making Candles, by assaulting and beating the said Officer.

Surry, ss. **B**E it Remembred, &c. (as in other Informations,) And thereby informeth us, That within Three Months now last past, that is to say, on the Tenth Day of *April* now last past, at *Guilford*, at an House and Place for making Candles, then and there belonging to and used by one *Thomas Saunders*, who then and there

The Information.

there was, and for and during the said Three Months now last past and longer, hath been, and continued to be, and yet is there a Maker of Candles, he not having compounded according to the Form of the Statute in such Case made, for the Duties due, and to grow due to his said Majesty for Candles there made and to be made by him the said *Thomas Saunders*, one *John Stevens* (who then and there was, and for and during the said Three Months now last past, hath been, and continued to be, and yet is there a Gauger and Officer of Excise, and for the said Duties granted to his said Majesty upon Candles, duly constituted, appointed, and qualified according to the Form of the Statute in such case made,) pursuant to and in the Execution of the Powers and Authorities to him as such Officer given, did attempt and endeavour then and there to take an Account of the Quantity of a Parcel of Candles there made by the said *Thomas Saunders*, and of the Quantity of some Tallow and other Materials for the making of Candles then and there found; but whilst he was endeavouring and attempting so to do, the said *Thomas Saunders* did then and there assault and beat him the said *John Stevens*, such Officer and in the Execution of the said Powers and Authorities then and there being; and thereby did then and there obstruct and hinder him the said *John Stevens* then and there being such Officer as aforesaid, in the Execution of the Powers and Authorities for the Ascertaining and Securing the said Duties upon Candles to such Officer given in and by the said Statute, that is to say, in the taking the said Accounts of the said Candles, and of the said Materials for making Candles, contrary to the Form of the said Statute;

R

whereby

The Officer
endeavour-
red to take
an Ac-
count.

*The Of-
fence.*

Informations and Summons for

The Forfeiture.

whereby the said *Thomas Saunders* hath forfeited Twenty Pounds of lawful *English Money*: And thereupon, &c. (as in other like Informations.)

A Summons on the foregoing Information.

To Mr. Thomas Saunders, Chandler.

Surry, ss. **W**E, &c. (as in other Summons,) an Information against you for the Sum of Twenty Pounds, by you forfeited, for obstructing and hindering *Mr. John Stevens* Gauger and Officer of Excise in taking an Account of your Candles and Materials to be made into Candles: You are therefore, &c. (as in other Summons.)

An Information against a Maltster, for Obstructing an Officer in Gauging, &c. Corn in a Couch, by throwing Corn at and upon the gauging Rod and Tape wherewith he was then gauging and measuring the said Corn.

*T'e Recor-
ding the
laying the
Informati-
on.* *Town of Andover* { **B**E it Remembred, That this
in the County of { Twentieth Day of June,
Southampton, ss. { in the Second Year of the
{ Reign of our Sovereign Lord
King **GEORGE**, that now is, at the Town of
Andover in the County of *Southampton*, *Thomas*
Broughton, Gent. in his proper Person, as well
for His said Majesty, as for himself, exhibiteth
to us *A B* and *C D*, Two of His said Majesty's
Justices of the Peace for the said Town of *Andover*, residing near to the Place where the Of-
fence

fence herein after mentioned was committed, a
 Complaint and Information; and thereby in-
 formeth us, That within Three Months now
 last past, that is to say, on the Eleventh Day
 of *June* now instant, at *Andover* aforesaid, at
 and in a Malt-House then and there belonging
 to and used by one *Andrew Phillips*, who then and
 there was, and for and during the said Three
 Months now last past, hath been, and continued
 to be, and yet is there a Maltster and Maker of
 Malt for Sale; one *John Michell* (who then and
 there was, and for and during the said Three
 Months now last past, hath been, and continued
 to be, and yet is there a Gauger and Officer of
 Excise, and for the Duties granted to His said
 Majesty on Malt, duly constituted, appointed,
 and qualified; according to the Form of the
 Statute in such case made and provided,) pursu-
 ant to and in the Execution of the Powers and
 Authorities to him as such Officer given by the
 said Statute, did attempt and endeavour to take
 an Account of the just Quantity of a Parcel of
 Corn then and there found, which had been
 wetted and steeped by the said *Andrew Phillips*,
 in some Cistern or other Vessel, and then and
 there was lying in a Couch; that is to say, the
 said *John Michell* in the due Execution of the said
 Powers and Authorities, did then and there
 thrust a gauging Rod into several Parts and Pla-
 ces of the said Parcel of Corn, thereby to gauge
 and measure the Depth thereof; and in the due
 Execution of the said Powers and Authorities,
 did then and there lay a Piece of Tape on the
 said Parcel of Corn, thereby to measure the
 Length and Breadth thereof; but that whilst
 he was so doing, the said *Andrew Phillips* did then
 and there throw and cause to be thrown part of
 the

*The Officer
 endeavoured to take
 an Account.*

*The man-
 ner of Ob-
 structing.*

*Informations and Summons for**The
Offence.**Forfeiture. re.*

the said Parcel of Corn against the said gauging Rod; and upon the Parts and Places in and of the said Parcel of Corn, into which the said *John Michell* had put the said gauging Rod, and also upon the said Piece of Tape whilst the same was lying upon the said Parcel of Corn, so and in such manner that the said *John Michell* could not gauge and measure the said Corn; and thereby did then and there obstruct and hinder him the said *John Michell* then and there being such Officer as aforesaid, in the Execution of the Powers and Authorities for the ascertaining and securing the Duties upon Malt to such Officer given in and by the Statute in such case made, that is to say, in and from taking an Account of the just Quantity of the said Corn then and there found as aforesaid, contrary to the Form of the Statute in such Case made; whereby he hath forfeited Ten Pounds of lawful *English* Money: And thereupon the said *Thomas Broughton*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises; and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *Andrew Phillips* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. Andrew Phillips, Maltster.

Town of Andover { *WE AB and CD, Esqrs.*
in the County of } *Two of His Majesty's*
South'ton, ff. } *Justices of the Peace for the*
Town of Andover in the
County of South'ton, do hereby give you Notice,
 That *Thomas Broughton, Gent.* as well for his
 said Majesty, as for himself, hath exhibited be-
 fore us an Information against you for the Sum
 of Ten Pounds, by you forfeited, for Obstruc-
 ring and Hindring *Mr. John Michell* Gauger and
 Officer of Excise, and for the Duties granted
 to His said Majesty on Malt, in Gauging and
 taking an Account of a Parcel of Corn which
 had been by you wetted and steeped, and was
 then lying in a Couch: You are therefore, &c.
 (as in other Summons.)

An Information against a Maltster, for Ob-
structing an Officer in Two several Instan-
ces, viz. in Gauging Corn in a Cistern, and
in Gauging, &c. Corn in a Couch.

Kent, ff. **B** *E it Remembred, &c. (as in other In-*
formations,) and thereby informeth
 us, That for and during the Space of Three
 Months now last past and longer, one *John* The Infor-
Thompson hath been, and continued to be, and mation.
 yet is a Gauger of Excise, and an Officer for
 the Duties granted to His said Majesty upon
 Malt, duly constituted, appointed, and quali-
 fied,

Informations and Summons for

*Officer en-
deavoured
to take an
Account of
Corn in a
Cistern.*

*The man-
ner of Ob-
structing.*

*The first
Offence.*

*Forfeiture
for that
Offence.*

fied, according to the Form of the Statute in such case made; and that he so being such Gauger and Officer as aforesaid, he within the said Three Months now last past, that is to say, on the Second Day of *February* now instant, at *Maidstone* aforesaid, in the due Execution of the Powers and Authorities to him as such Gauger and Officer given, in and by the Statute in such case made, did then and there attempt and endeavour to Gauge, and take an Account of the just Quantity of a Parcel of Corn which had been wetted and steeped by one *William Thomas*, and which was then and there found in a Cistern belonging to and used by him the said *William Thomas*, who then and there was, and for and during the said Three Months now last past, hath been, and continued to be there a Malster and maker of Malt for Sale, and that the said *John Thompson* in order to take such Account of the said Parcel of Corn, did then and there several Times put his gauging Rod into the said Corn; but whilst he was so doing, the said *William Thomas* did move and cause to be removed Part of the said Corn from one Part of the said Cistern to another, so and in such manner that the said *John Thompson* could not take an Account thereof, and thereby did then and there obstruct and hinder him the said *John Thompson*, then and there being such Gauger and Officer as aforesaid, in the due Execution of the Powers and Authorities for the ascertaining and securing the Duties upon Malt to such Officer given, in and by the Statute in such Case made, that is to say, in and from taking an Account of the just Quantity of the said Corn then and there found in the said Cistern contrary to the Form of the said Statute; whereby he hath forfeited Ten Pounds of lawful

English

English Money: And the said *Philip Bamford* further informeth us the said Justices, That the said *John Thompson* so being such Gauger and Officer as aforesaid, he within Three Months now last past, that is to say, on the Third Day of *February* aforesaid, at *Maldstone* aforesaid, in the due Execution of the Powers and Authorities to him as such Gauger and Officer given, in and by the Statute in such case made, did then and there attempt and endeavour to Gauge and take an Account of the just Quantity of a Parcel of Corn which had been wetted and steeped by the said *William Thomas*, and which was then and there found in a Couch belonging to and used by him the said *William Thomas*, who then and there was, and for and during the said three Months now last past, hath been and continued to be there a Maltster and maker of Malt for Sale; but whilst he was so doing, the said *William Thomas* did throw and cause to be thrown part of the said Corn, at and upon him the said *John Thompson*, so and in such manner that he could not take an Account of the said Corn last mentioned; and thereby did then and there obstruct and hinder him the said *John Thompson*, then and there being such Officer as aforesaid, in the due Execution of the Powers and Authorities for the ascertaining and securing the Duties upon Malt to such Officer given, in and by the Statute in such case made, that is to say, in and from taking an Account of the just Quantity of the said Corn then and there found in the said Couch, contrary to the Form of the said Statute; whereby he hath forfeited Ten Pounds more of like lawful Money, which said several and respective Forfeitures do in the whole amount unto the Sum of Twenty Pounds of like Money: And thereupon the said

Officer endeavoured to take an Account of Corn in a Couch.

The manner of Obstructing.

The Second Offence.

Forfeiture for that Offence.

Informations and Summons

Philip Bamford who as well, &c. (as in other Informations.)

A Summons on the foregoing Information.

To Mr. William Thomas, Maltster.

Kent, ss. **W**E, &c. (as in other Summons,) hath exhibited an Information against you, for Two several Penalties, each of Ten Pounds, in the whole amounting to Twenty Pounds, for obstructing and hindring Mr. *John Thompson* Gauger and Officer of Excise in Two several Instances in the Gauging and taking an Account of your Corn which had been steeped for the making Malt: You are therefore, &c. (as in other Summons)

C H A P. XI.

Informations and Summons for Removing, &c.

Note, The Clause against Distillers removing their Low-Wines lays the Penalty for removing thereof without Distilling them a Second Time.

An Information against a Common Distiller, for removing Low-Wines before they had been Distilled a Second Time.

City of Bristol, ss. **B**E it Remembred, &c. (as in other Informations,) That one *Luke Brown* for Three Months now last past and

and longer, having been and continued to be a Common Distiller of Low-Wines, and of Spirits, and Strong-Waters for Sale and Exportation, that is to say, at the City of *Bristol* aforesaid; he the said *Luke Brown* within Three Months now last past, that is to say, on the Second Day of *September* now instant, at the City of *Bristol* aforesaid, did sell and remove ^{The Of} Low-Wines by him there Distilled, that is to ^{say} ~~say~~, Forty Gallons of Low-Wines so by him there Distilled as aforesaid, after an Account of the Quantity thereof had been taken by the Gauger, and without distilling or drawing off the said Low-Wines a Second Time, contrary to the Form of the Statute in such case made and provided; whereby the said *Luke Brown* for every Gallon of the said Low-Wines so sold and removed as aforesaid, hath forfeited Five Shillings ^{Forfeiture.} of lawful English Money, amounting in the whole to the Sum of Ten Pounds of like Money: And thereupon, &c. (*as in other Informations.*)

A Summons on the foregoing Information.

To Mr. Luke Brown, Common Distiller.

City of Bristol, ss. **WE**, &c. *as in other Summons,*) for the Sum of Ten Pounds by you forfeited, for selling and removing Forty Gallons of Low-Wines by you Distilled, before they had been Distilled a Second Time: You are therefore, &c. (*as in other Summons.*)

Note,

Informations and Summons

Note, The Penalties for Removing, &c. Candles, Soap, Paper, Callicoes, Linens, &c. and Starch, are by those respective Acts particularly limited and expressed for the Removing, &c. the said respective Manufactures without Notice, &c. And therefore in Informations in those Cases, it will be proper to mention that such Removing, &c. was done without Notice.

An Information against a Maker of Candles, for Removing Candles before an Account taken, and without Notice.

The Information.

Kent, ss. **B**E it Remembred, &c. (as in other Informations,) That one James Mills for Three Months now last past and longer, having been, and during all that time continuing to be a Maker of Candles at Bromley in the said County of Kent, and not having compounded for the Duties on Candles by him made and to be made; he the said James Mills within Three Months now last past, that is to say, on the Twentieth Day of March now last past, at Bromley aforesaid, did remove, carry, and send away, and did suffer to be removed, carried, and sent away Candles by him made, that is to say, Twenty Pounds Weight of Candles, (of which said Candles so removed, carried, and sent away as aforesaid, no Account had been first taken by the proper Officer appointed to take an Account of the same,) and that before the said removing, carrying, and sending away thereof, there was not any Notice given to the proper Officer of any Intention to remove, carry, or send away the same, as by the Statute in such Case made there

The Offence.

there ought to have been, and that the said James Mills did, wholly omit to give such Notice, contrary to the Form of the Statute in such Case made, whereby he hath forfeited Twenty Pounds of lawful English Money: And thereupon, &c. (as in other Informations.)

A Summons on the foregoing Information.

To Mr. James Mills, Maker of Candles.

Kent, ss. **W**E, &c. (as in other Summons,) for the Sum of Twenty Pounds by you forfeited; for removing, carrying, and sending away Candles by you made, whereof no Account had been taken, and without giving any Notice of your Intention to remove, carry, or send away the same: You are therefore, &c. (as in other Summons.)

The like Information and Summons will serve for Removing Soap, changing such Words as are necessary to be changed.

An Information against a Maker of Paper, for Removing Two Parcels of Paper before an Account was taken thereof, and without Notice.

County of Monmouth, ss. **B**E it Remembred, &c.

(as in other Informations,) That one Thomas Phillips for Three Months now last past and longer, having been, and during all that Time continuing to be a Maker of Paper at Ison in the said County of Monmouth, he

*The Of-
fences.*

he the said *Thomas Phillips* within Three Months now last past, that is to say, on the several and respective Days herein after mentioned at *Istou* aforesaid, did remove, carry, and send away, and did suffer to be removed, carried, and sent away Paper by him there made, that is to say, one Parcel thereof containing seventeen Reams, on the Two and Twentieth Day of *April* now last past, and one other Parcel thereof containing Two Reams and an half on the Twelfth Day of *May* now last past, (of which said Parcels of Paper so removed, carried, and sent away as aforesaid, or of either of them, no Account had been first taken by the proper Officer appointed to take an Account of the same,) and that before the said removing, carrying and sending away thereof there was not any Notice given to the proper Officer of any Intention to remove, carry, and send away the same, as by the Statute in such Case made there ought to have been; and that the said *Thomas Phillips* did wholly omit to give Notice, contrary to the Form of the Statute in such Case made and provided; where-

The Forfeiture.

by he hath forfeited the Sum of Twenty Pounds of lawful English Money for each of the said Offences, amounting in the whole to Forty Pounds of like Money: And thereupon, &c. (as in other Informations.)

A Summons on the foregoing Information.

To Mr. Thomas Phillips, Maker of Paper.

County of Monmouth, ss. **W**E, &c. (as in other Summons,) for the Sum of Forty Pounds, by you forfeited, for removing

moving, carrying, and sending away Two several and respective Parcels of Paper, of which no Account had been taken, and without giving any Notice of your Intention to remove, carry, or send away the same: You are therefore, &c.
(as in other Summons.)

An Information against a Printer of Callicoes and Linens, for Removing Callicoes and Linens before an Account taken, and before marked with a Stamp, &c.

Middlesex, ss. **B**E it Remembred, &c. (as in other The Information. Informations.) That one *Andrew*

Roberts for Three Months now law past and longer, having been, and during all that Time continuing to be a Printer and Painter of Callicoes and Linens at *Stains* in the said County of *Middlesex*; he the said *Andrew Roberts* within three Months now last past, that is to say, on the Second Day of *May* now last past, at *Stains* aforesaid, did remove, carry, and send away, and did suffer to be removed, carried, and sent away T^os Of- Callicoes and Linens by him there printed, paint-sence. ed, stained, and dyed, that is to say, Twenty Yards of Callicoes and Ten Yards of Linens so printed, painted, stained, and dyed, which were liable to certain Duties imposed by the Statute in such case made and provided, before any Account had been taken of the said Callicoes and Linens so removed, carried, and sent away by the proper Officer appointed to take an Account of the same; and before the same had been duly marked with a Stamp or Seal to denote the Charging of the Duties thereupon, which is contrary to the Form of the Statute in such Case made

The Forfeiture.

made and provided; whereby the said *Andrew Roberts* hath forfeited the Sum of Twenty Pounds of lawful English Money: And thereupon, &c. *(as in other Informations.)*

A Summons on the foregoing Information.

To Mr. Andrew Roberts, Printer of Callicoes and Linens.

Middlesex, ss. **W**E, &c. *(as in other Summons.)*
for the Sum of Twenty Pounds, by you forfeited for removing, carrying, and sending away Callicoes and Linens by you printed, painted, stained, and dyed, before any Account had been taken thereof, and before the same had been duly marked with a Stamp or Seal, to denote the Charging the Duties thereupon: You are therefore, &c. *(as in other Summons.)*

C H A P. XII.

Informations and Summons against Malsters.

An Information against a Malster, for treading, &c. in a Couch Corn which had been steeped for the making Malt.

*The Recor-
ding of the
laying the
Informa-
tion.*

Surry ss. **B**E it Remembred, That this Nineteenth Day of June in the Second Year of the Reign of our Sovereign Lord King
GEORGE

Informations and Summons, &c.

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GEORGE that now is, at *Croydon* in the County of *Surry*, *Peneston Aftry*, Gent. in his proper Person, as well for His said Majesty, as for himself, exhibiteth to us *AB* and *CD*, Esqrs; Two of His said Majesty's Justices of the Peace for the said County, residing near to the Place where the Offence herein after mentioned was committed, a Complaint and Information; and thereby informeth us, That one *James Atwood* The Information. for and during Three Months now last past and longer, having been, and continued to be and yet being at *Stretham* in the said County of *Surry*, a Maltster and maker of Malt for Sale; he the said *James Atwood* within the said Three Months now last past, that is to say, on the Thirtieth Day of *May* now last past, at *Stretham* afore said, in a Couch then and there belonging to and used by him, did tread, ram, and other- The Of- fence. wise force together a Quantity, that is to say, one Hundred Bushels of Corn which had by him been there steeped for the making thereof into Malt; and thereby did then and there make the said Corn to lie so close in the said Couch that the Rise and Swelling thereof was thereby prevented, and thereby it was rendred very difficult for any Officers or Officer for the Duties upon Malt to know the true Quantity of the said Corn then and there being in the said Couch, contrary to the Form of the Statute in such case made and provided; whereby he the said *James Atwood* for every Bushel of the said Corn so trodden, rammed, and otherwise forced together as afore said, hath forfeited Two Shillings and Six Pence of lawful English Money, The For- feiture. amounting in the Whole to the Sum of Twelve Pounds and Ten Shillings of like Money: And thereupon the said *Peneston Aftry*, who as well,

&c.

Informations and Summons

Ec. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made; and that the said *James Atwood* may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. James Atwood, Maltster.

Surry, ss. **W**^E E, Ec. (as in other Summons,) an Information against you for the Sum of Twelve Pounds and Ten Shillings, by you forfeited, for treading, ramming, and otherwise forcing together one Hundred Bushels of Corn which had been by you steeped for the making thereof into Malt: You are therefore, Ec. (as in other Summons.)

An Information against a Maltster for treading, &c. Two Parcels of Corn steeped for making Malt.

The Information.

Sussex, ss. **B**E it Remembred, &c. (as in the Information next before,) That one *John Wilkins*, for and during three Months now last past and longer, having been, and continuing to be, and yet being at *Horsbam* in the said County of *Sussex*, a Maltster and maker of Malt for Sale, he the said *John Wilkins* within the said three Months now last past, that is to say, on the Twentieth Day of *February* now last past at *Horsbam* aforesaid, did tread, ram and otherwise force together, two
several

The Offences.

several and respective Parcels of Corn, which by him had respectively been there wetted and steeped for the making thereof respectively into Malt, and which then and there respectively were in Couches belonging to and used by him; that is to say, on the Fifteenth Day of *February* now last past, one Parcel of such Corn as aforesaid, containing One hundred Bushels, and on the Twentieth Day of *February* aforesaid, one other Parcel of such Corn as aforesaid, containing Fifty Bushels; and thereby did then and there make the said respective Parcels of Corn to lie so close in the said respective Couches, that the rise and Swelling of every and each of the said respective Parcels of Corn was thereby prevented, and thereby it was rendred very difficult for any Officers or Officer for the Duties upon Malt, to know the true Quantities of the said respective Parcels of Corn then and there being in the said respective Couches as aforesaid, contrary to the Form of the said Statute in such Case made and provided; whereby the said *John Wilkins* for every Bushel of the said respective Parcels of Corn so trodden, rammed and otherwise forced together, as aforesaid (the whole consisting of One hundred and Fifty Bushels) hath forfeited Two Shillings and Six Pence of lawful English Money, amounting in the whole to the Sum of Eighteen Pounds and Five Shillings of like Money; and thereupon, &c. (as in the Information next before.)

First Offence.

Second Offence.

The Forfeiture.

A Summons on the foregoing Information.

To Mr. John Wilkins Maltster.

Sussex, ff. **WE**, &c. (as in other Summons) an Information against you for the Sum of Eighteen Pounds and Five Shillings by you forfeited, for treading, ramming, and otherwise forcing together two several and respective Parcels of Corn in two several and respective Couches, which had respectively been wetted and steeped for the making thereof into Malt; you are therefore, &c. (as in other Summons.)

An Information against a Maltster, for mixing Corn of two several Wettings, before the same had been put on the Kiln.

County of Hertford, ff. **BE** it Remembred, &c. (as in the foregoing Informations) That one Daniel Collier, for and during three Months now last past and longer, having been, and continuing to be, and yet being at *Royston* in the said County of *Hertford*, a Maltster and Maker of Malt, and not having compounded for the Duties on Malt from him due, and to grow due to his said Majesty, he the said Daniel Collier, in order to the defrauding of his said Majesty of and in his said Duty upon Malt, and for preventing the Officers for the said Duty from taking and keeping a true Account of the Corn herein after mentioned, by him there steeped and making into Malt, at and in a Malt-house in *Royston* aforesaid, belonging to and used by him

The Information.

him the said *Daniel Collier*; he the said *Daniel Collier*, within the said three Months now last past, that is to say, on the Twelfth Day of *January* now last past, at *Roydon* aforesaid, in his said Malt-house, did mix and cause to be mixed *The Of-* two or more Parcels of Corn there making into *sence.* Malt, part thereof being of one Wetting and Steeping, and other part thereof being of a former Wetting and Steeping; the Corn so mixed, amounting in the whole to One Hundred sixty and one Bushels; and that the same were then and there mixed so and in such manner, that the Officer for the said Duties could not distinguish one Wetting from the other; and that the said Corn was then and there so mixed as aforesaid, before the same had been put on the Kiln for drying; which is contrary to the Form of the Statute, in such Case made and provided; whereby the said *Daniel Collier*, for every Bushel of the said Corn so mixed as aforesaid, hath for- *Forfeiture.* feited Five Shillings of lawful English Money, amounting in the whole to the Sum of Forty Pounds and Five Shillings of like Money; and thereupon, &c. (as in other Informations.)

A Summons on the foregoing Information.

To Mr. Daniel Collier, Maltster.

County of Hertford, ss. **W**E, &c. (as in other Summons) an Information against you for the Sum of Forty Pounds and Five Shillings by you forfeited, for mixing One hundred sixty one Bushels of Corn, which had been wetted and steeped, and was then making into Malt (some part thereof being of one

Wetting or Steeping, and other part thereof being of a former Wetting or Steeping) before the same had been put on the Kiln for drying; you are therefore, &c. (as in other Summons.)

An Information against a Maltster for Two Mixtures, each consisting of Corn of several Wettings and Steepings.

County of Southampton, ss. **B**E it Remembred, &c. (as in other like Informations,) That one *Thomas Rogers* for and during

The Information.

three Months now last past and longer, having been and continuing to be, and yet being at *Basingstoke*, in the said County of *Southampton*, a Maltster and Maker of Malt, and not having compounded for the Duties on Malt from him due and to grow due to his said Majesty, he the said *Thomas Rogers*, in order to the defrauding of his said Majesty of and in his said Duty upon Malt, and for preventing the Officers for the said Duty from taking and keeping true Accounts of the Corn herein after mentioned, by him there steeped and making into Malt, at and in a Malt-house in *Basingstoke* aforesaid, belonging to and used by him the said *Thomas Rogers*; he the said *Thomas Rogers* at divers Days and Times within three Months now last past at *Basingstoke* aforesaid, in his said Malt-house, did mix and cause to be mixed, several Parcels of Corn there making into Malt of several and respective Wettings and Steepings, that is to say, on the Fourth Day of *October* now last past, did there, mix and cause to be mixed several Parcels of Corn then and there making into Malt, containing together One hundred Bushels of Corn then and there making

The Offence.

The first Mixture.

making into Malt, part thereof being of one Wetting or Steeping, and other part thereof being of a former Wetting and Steeping, and that the same were then and there mixed so and in such manner, that the Officer for the said Duties could not distinguish one Wetting from the other, and that the said Corn was then and there so mixed as aforesaid, before the same had been put on the Kiln for drying: And that on the Twentieth Day of *October* aforesaid, he the said *Thomas Rogers*, at his Malt-house aforesaid, did mix and cause to be mixed, several other Parcels of Corn then and there making into Malt, containing together Eighty Bushels of Corn then and there making into Malt, part thereof being of one Steeping, and other part thereof being of a former Wetting and Steeping, and that the same were then and there mixed so and in such manner, that the Officer for the said Duties could not distinguish one Wetting from the other; and that the said Corn last-mentioned was likewise so mixed as aforesaid, before the same had been put on the Kiln for drying, contrary to the Form of the Statute in such Case made; whereby the said *Thomas Rogers* for every Bushel of the said respective Parcels of Corn so mixed as aforesaid (the whole consisting of One hundred and Eighty Bushels) hath forfeited Five Shillings of lawful *English* Money, in the whole amounting to Forty five Pounds of like Money; and thereupon, &c. (as in other like Informations.)

The Second Mixture.

Forfeiture.

Informations and Summons

A Summons on the foregoing Information.

To Mr. Thomas Rogers, Maltster.

County of Southampton, ss. WE, &c. (as in other Summons) an Information against you for the Sum of Forty five Pounds by you forfeited, for mixing at one time One hundred Bushels of Corn, which had been wetted and steeped, and was making into Malt, and at another time Eighty Bushels of Corn, which likewise had been wetted and steeped, and was making into Malt; some part of the said One hundred Bushels, and also of the said Eighty Bushels respectively being of one Wetting and Steeping, and other part thereof respectively being of some former Wettings and Steepings; you are therefore, &c. (as in other Summons.)

C H A P. XIII.

*Informations and Summons against
Makers of Candles.*

*An Information against a Maker of Candles,
for not declaring the Number of Sticks of
a Making of Candles, not being Mould-
Candles.*

The Recording of the laying the Informa- tion. **S**uffex, ss. **BE** it Remembred, That this Nineteenth Day of June, in the Second Year of the Reign of our Sovereign Lord King

GEORGE

GEORGE that now is, at *Lewes* in the County of *Sussex*, *Benjamin Everard*, Gent. in his proper Person, as well for his said Majesty as for himself, exhibiteth to us *A B* and *C D*, Esqrs. two of His Majesty's Justices of the Peace for the said County, residing near to the Place where the Offence herein after mentioned was committed, a Complaint and Information, and thereby informeth us, That one *James Miles* for three Months now last past and longer, having been, and continuing to be, [and yet being at *Lewes* in the said County of *Sussex*, a Chandler and Maker of Candles for Sale, he the said *James Miles*, within the said three Months now last past, that is to say on the Thirtieth Day of *May* now last past, at *Lewes* aforesaid, did make a Course or Making of Tallow Candles for Sale, not being Mould-^{The Of-} Candles; and that before he began to make and ^{since.} dip the said Making or Course of Candles (altho' before the beginning of the before-mentioned Making or Course, a proper Officer had been, and then was duly appointed from time to time to take Accounts of such Makings or Courses of Candles, as should from time to time be there made by the said *John Miles*, and for that purpose was daily attending at the Place where the said Candles were made) he the said *James Miles* did not declare to the said Officer, or to any other Officer appointed to take an Account of the same, the Number of Sticks which he designed to make at the said Making or Course, and also the Sizes of the Candles whereof each Stick was to consist, as by the Statute in such case made he ought to have done; but did wholly omit and neglect to make such Declaration, contrary to the Form of the said Statute; whereby he hath forfeited the Sum of Ten Pounds of law-^{The Forfeiture.} ful

Informations and Summons

ful English Money; and thereupon the said Benjamin Everard, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the said Statute, and that the said James Miles may be summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. James Miles, Maker of Candles.

Suffex, ss. **W**E &c. (as in other Summons) an Information against you for the Sum of Ten Pounds by you forfeited, for making a Course of Candles (not being Mould-Candles) without declaring the Number of Sticks and Sizes of the Candles contained in the said Course; You are therefore, &c. (as in other Summons.)

An Information against a Maker of Candles, for increasing the Number of Sticks above his Declaration.

The Information.

Kent, ss. **B**E it Remembred, &c. (as in the foregoing Information,) That one Henry Davis for three Months now last past and longer, having been and continuing to be, at Westerham in the said County of Kent, a Chandler and maker of Candles for Sale; he the said Henry Davis within Three Months now last, that is to say, on the Sixth Day of April now last past, at

at *Westerham* aforesaid, did make a Making or Course of Tallow Candles for Sale, not being mould Candles; and that the said *Henry Davis* having before he began to make the said Course or Making of Candles declared to a proper Officer appointed to take an Account of the same, that he the said *Henry Davis* designed in and at that Making or Course to make one Hundred and Fifty Sticks of Candles; he the said *Henry Davis* after the said Declaration so made as aforesaid, that is to say, on the said Sixth Day of *April* aforesaid, at *Westerham* aforesaid, did make an increase of the Number of the Sticks of Candles in the said Making or Course over and above the Number of Sticks so declared as aforesaid, that is to say, did then and there make Ten Sticks of Tallow Candles over and above the Number of Sticks so declared as aforesaid, contrary to the Form of the Statute in such Case made and provided; whereby he hath forfeited the Sum of Ten Pounds of lawful English Money: And thereupon, &c. (as in the foregoing Information.)

A Summons on the foregoing Information.

To Mr. Henry Davis, Maker of Candles.

Kent, ss. **W**E, &c. (as in other Summons,) an Information against you for the Sum of Ten Pounds, by you forfeited, for making an increase of the Number of Sticks of Candles above the Number of Sticks by you declared: You are therefore, &c. (as in other Summons.)

An

*An Information against a Maker of Candles,
for not declaring a Making of Mould
Candles.*

*The Infor-
mation.*

Kent, ss. **B**E it Remembred, &c. (as in other In-
formations,) That one *Thomas An-*
drews for Three Months now last past and lon-
ger, having been, and continuing to be, and
yet being at *Maidstone* in the County of *Kent*
aforesaid, a Chandler and Maker of Candles for
Sale; he the said *Thomas Andrews* within the said
Three Months now last past, that is to say, on
the Ninth Day of *January* now last past, at
Maidstone aforesaid, did make a Course or Mak-
ing of Tallow Candles for Sale, being Mould
Candles; and that before he began to fill any
The Offence. of the said Moulds, (altho' long before the
Beginning of the beforementioned Making or
Course, a proper Officer had been, and then
and there was duly appointed from Time to
Time to take Accounts of such Makings or
Courses of Candles as should from Time to
Time be there made by the said *Thomas Andrews*,
and for that Purpose was daily attending at the
Place where the said Candles were made;) he the said *Thomas Andrews* did not declare to
the said Officer, or to any other Officer appoint-
ed to take an Account of the same, how many
Moulds he intended to fill at the said mak-
ing, and how often he intended at the said
making to draw the said Moulds, as by the
Statute in such Case made he ought to have
done; but did wholly omit and neglect to make
such Declaration, contrary to the Form of the
said Statute; whereby he hath forfeited the Sum
of

of Ten Pounds of lawful English Money: And *The Forfeiture.*
thereupon, &c. (as in other Informations.)

A Summons on the foregoing Information.

To Mr. Thomas Andrews, Maker of Candles.

Kent, ss. **W**E, &c. (as in other Summons,) for the Sum of Ten Pounds, by you forfeited, for making a Course or Making of Candles, being Mould Candles, without declaring how many Moulds you intended to fill at the said Making, and how often you intended to draw the same: You are therefore, &c. (as in the other Summons.)

An Information against a Maker of Candles, for filling a greater Number of Moulds than were declared.

Surry, ss. **B**E it Remembred, &c. (as in other Informations,) That one *William Jones* *The Information.* for Three Months now last past and longer, having been, and continuing to be, and yet being at *Rygate* in the said County of *Surry*, a Chandler and maker of Candles for Sale; he the said *William Jones* within the said Three Months now last past, that is to say, on the Sixth Day of *March* now last past, at *Rygate* aforesaid, did make a Course or Making of Candles for Sale, being mould Candles; and that the said *William Jones* having before he began to fill any of the said Moulds declared to a proper Officer appointed to take an Account of the same, that he the said *William Jones* intended in and at the said Making *The Defendant's Declaration.*

*Informations and Summons**The Of-
fence.**The For-
feiture.*

Making to fill Sixty Moulds, and to draw the same Three Times; he the said *William Jones* after the said Declaration so made as aforesaid, that is to say, on the said Sixth Day of *March* aforesaid, at *Rygate* aforesaid, did fill a greater Number of Moulds than were declared as aforesaid, that is to say, did then and there fill Six Moulds more than the Number of Moulds so declared as aforesaid, contrary to the Form of the Statute in such Case made; whereby he hath forfeited the Sum of Ten Pounds of lawful English Money: And thereupon, &c. (as in other Informations.)

A Summons on the foregoing Information.

To Mr. William Jones, Maker of Candles.

Surry, ss. **W**E, &c. (as in other Summons,) an Information against you for the Sum of Ten Pounds, by you forfeited, for filling a greater Number of Moulds than were by you declared: You are therefore, &c. (as in other Summons.)

If the Information be for drawing Moulds oftner than declared, then thus, viz.

—Did draw the said Moulds oftner than he had declared to draw the same, as aforesaid, that is to say, did then and there draw the said Moulds Four Times, contrary, &c.

And in the Summons thus, viz.

—By you forfeited, for drawing a Number of Moulds oftner than you had declared to draw the same: You are, &c.

An

*An Information against a Maker of Candles,
for Re-Dipping Candles after Weighed.*

County of Hertford, ss. **B**E it Remembred, &c. (as
in other Informations.)

That one *James Price* for Three Months now The Infor-
last past and longer, having been, and continu-
ing to be, and yet being at *Ware* in the said
County of *Hertford*, a Chandler and maker of
Candles for Sale; he the said *James Price* within
the said Three Months now last past, that is to
say, on the Second Day of *June* now last past,
at *Ware* aforesaid, did re-dip certain Candles, The Re-
that is to say, Three Sticks of Tallow Candles, Dipping.
after the same Candles so as aforesaid re-dipped
had been there made by him, and weighed by
a proper Officer appointed to take an Account
of the same; and thereby after the said Can-
dles had been so weighed as aforesaid, did then
and there increase the Weight thereof, con-The Offence.
trary to the Form of the Statute in such case
made; whereby he hath forfeited the Sum of
Ten Pounds of lawful English Money: And The For-
thereupon, &c. (as in other Informations.) feiture.

A Summons on the foregoing Information.

To Mr. James Price, Maker of Candles.

County of Hertford, ss. **W**E, &c. (as in other
Summons,) an Infor-
mation against you for the Sum of Ten Pounds,
by you forfeited, for increasing the Weight of
Three Sticks of Candles, by re-dipping thereof
after the same had been weighed: You are there-
fore, &c. (as in other Summons.)

C H A P.

C H A P. XIV.

Informations and Summons against
Witnesses.

*An Information against a Witness, for not
attending according to a Summons.*

*The Recording the
laying the
present In-
formation.*

*The Informa-
tion.*

*That a former Infor-
mation
was exhibi-
ted.*

NORFOLK. *BE it Remembred*, That this Nine-
teenth Day of June, in the Se-
cond Year of the Reign of our Sovereign Lord
King GEORGE, that now is, at *Thetford* in the
said County of *Norfolk*, *John Todd*, Gent. in his
proper Person, as well for His said Majesty, as
for himself, exhibiteth to us *A B* and *C D*, Esqs.
Two of His said Majesty's Justices of the Peace
for the said County, residing near to the Place
where the Offence herein after mentioned was
committed, a Complaint and Information; and
thereby informeth us, That at a Time now past,
that is to say, on the First Day of this present
Month of June, he the said *John Todd* did exhi-
bit an Information in Writing before us the said
Justices, against one *James Richardson* a Maltster
and maker of Malt for Sale, at *Thetford* afore-
said, for an Offence against the Statute for
laying Duties on Malt, that is to say, for frau-
dulently hiding, concealing, and conveying
away, contrary to the Statute in such case made,
Fifty Bushels of Malt by him made; and that
upon the said Information so exhibited before us
for the Offence aforesaid, We the said Justices,
according to the Form of the Statute in such
case made, did grant and issue out our Precept
and

and Summons in Writing, bearing Date the said *That a*
 First Day of *June* now instant, to summon and *Summons*
 require one *Thomas Freeman* of *Thetford* aforesaid, *was there-*
 a material Witness to give Evidence for the Dis- *upon gran-*
 covery of the Truth of the matter in controversy *ted.*
 before us, in and upon the said recited Infor-
 mation, personally to be and appear before us
 at the Place and Time by us then appointed, to
 hear and determine the Matters contained in
 the said Information, that is to say, at the House
 of one *William Tims*, being the Sign of the *Red-*
Lyon, an Inn and publick House in *Thetford* aforesaid, on the Eighth Day of this present Month
 of *June*, at Ten of the Clock in the Forenoon
 of the said Day, there and then to give Evi-
 dence for the Discovery of the Truth of the
 Matter in Controversy before us, and contained
 in the said recited Information, as in and by the
 said Proceedings remaining of Record before us
 may appear; and the said *John Todd* further in-
 formeth us the said Justices, That notwithstanding
 that afterwards, that is to say, on the Se- *That the*
 cond Day of this present Month of *June*, at *Defendant*
Thetford aforesaid, he the said *Thomas Freeman* *though ser-*
 was duly served with the said Summons, (as in *ved with*
 Fact he was,) yet he did not appear before us *the said*
 the said Justices at the said Time and Place so *Summons*
 as aforesaid, appointed by our said Summons, *did not ap-*
 as by the Statute in such case made he ought to *pear.*
 have done; but so to appear before us according
 to the said Summons, the said *Thomas Freeman* did *The*
 then and there wholly neglect and refuse, con- *Offence.*
 trary to the Form of the Statute in such case
 made; whereby he hath forfeited the Sum of
 Ten Pounds of lawful English Money: And *The For-*
 thereupon the said *John Todd*, who as well, &c. *feiture.*
 humbly prays the Judgment of us the said Ju-
 stices

Justices in the Premises; and that he may have one Moiety of the said Forfeiture, according to the Form of the said Statute; and that the said *Thomas Freeman* may be Summoned to answer the said Premises, and to make Defence thereto before us the said Justices.

A Summons on the foregoing Information.

To Mr. Thomas Freeman.

Norfolk, ss. **W**E *A B* and *C D*, Esqrs; Two of His Majesty's Justices of the Peace for the County of *Norfolk*, do hereby give you Notice, That *John Todd*, Gent. hath before us exhibited an Information against you, for the Sum of Ten Pounds, by you forfeited, for refusing and neglecting to appear and give Evidence according to a Summons issued out by us the said Justices, and with which you was duly served: You are therefore, &c. (*as in other Summons.*)

If the Information be for refusing to be Sworn and to give Evidence, then thus, &c.

Norfolk, ss. **B**E it Remembred, &c. (*as in the foregoing Information,*) and the said *John Todd* further informeth us the said Justices, that the said *Thomas Freeman* having afterwards, that is to say on the Second Day of this present Month of *June*, at *Thetford* aforesaid, been duly served with the said Summons; he the said *Thomas Freeman* did appear before us the said Justices at the said Time and Place so as aforesaid

aforesaid, appointed by our said Summons; but that the said *Thomas Freeman* being then and there duly required by us the said Justices, to be duly Sworn and give Evidence for the Discovery of the Truth of the Matter in Controversy before us, and contained in the said recited Information then depending before us, as by the Statute in such case made he ought to have done; he the said *Thomas Freeman* so to be Sworn and to give Evidence, did then and there wholly refuse, contrary to the Form of the said Statute; whereby he hath forfeited the Sum of Ten Pounds of lawful English Money: And thereupon, &c. (*as in the foregoing Information.*)

And in the Summons thus, viz.

—For the Sum of Ten Pounds, by you forfeited, for refusing to be Sworn and give Evidence, having been duly summoned so to do: You are therefore, &c.

CHAP. XV.

Forms for JUDGMENTS in several Cases.

A Judgment against a Defendant who doth not appear according to the Summons, with a Mitigation of the Penalty.

AT the Time and Place appointed by our Summons on the within written Information, that is to say, this Thirteenth Day of May,
T Anna

Forms of Judgments in several Cases.

Anno Domini, 1716. at Maidstone in the County of Kent, sufficient Proof being made before, that the Defendant within named hath had due Notice of the within written Information, and that he was duly summoned to appear before us here this Day; and he in Contempt of the said Summons, neglecting now to appear, and making Default therein, and the Fact and Offence in the within written Information being now fully proved before us, we do convict him thereof: It is therefore now here considered and adjudged by us the said Justices, that the said Defendant hath forfeited the within mentioned Sum of Fifty Pounds, which we mitigate and lessen to the Sum of Thirty Pounds, to be distributed as the Law directs. Given under our Hands at Maidstone aforesaid, this Thirteenth Day of May, Anno Domini, 1716.

If the Justices don't think fit to mitigate the Penalty, then these Words, viz. (which we mitigate and lessen to the Sum of Thirty Pounds,) must be left out.

A Judgment against a Defendant who appears and confesseth the Facts in the Information.

AT the Time and Place appointed by our Summons on the within written Information, that is to say, this Thirtieth Day of June, *Anno Domini, 1716. at Guilford in the said County of Surry, the within named Defendant appeareth and confesseth the Fact and Offence within written, of which we thereupon convict him: It is therefore now here considered and adjudged by us the said Justices, that the said Defendant hath*
forfeited

forfeited the within mentioned Sum of Thirty Pounds, which we mitigate and lessen to the Sum of Twenty Pounds, to be distributed as the Law directs. Given under our Hands at Guilford aforesaid, this Thirteenth Day of June, Anno Domini, 1716.

If the Penalty is not mitigated, then these Words (which we mitigate and lessen to the Sum of Twenty Pounds,) must be left out.

A Judgment against a Defendant who appeareth and pleadeth.

AT the Time and Place appointed by our Summons on the Information within written, that is to say, this Eighth Day of April, Anno Domini, 1716. at Ipswich in the County of Suffolk, the within named Defendant appeareth and pleadeth, That he is not Guilty of the Offence within mentioned; but the same being now fully and duly proved, we do convict him thereof: It is therefore now here considered and adjudged by us the said Justices, that the said Defendant hath forfeited the within mentioned Sum of Fifty Pounds, which we mitigate and lessen to the Sum of Fifteen Pounds to be distributed as the Law directs. Given under our Hands at Ipswich aforesaid, this Eighth Day of April, Anno Domini, 1716.

If the Penalty is not mitigated, then these Words, viz. (which we mitigate and lessen to the Sum of Fifteen Pounds,) must be left out.

If the Defendant is convicted of two or more Offences in one Information, then instead of Offence insert the Word Offences.

A Judgment against a Defendant convicted of one and acquitted of another Offence, in the same Information.

AT the Time and Place appointed by our Summons on the Information within written, viz. this Tenth Day of July, Anno Domini, 1715. at Hertford in the County of Hertford, the within named Defendant appeareth and pleadeth, that he is not guilty of the Offences within mentioned; but the first of the said Offences being now fully and duly proved, we do convict him thereof: It is therefore now here considered and adjudged by us the said Justices, that the said Defendant for and by reason of the said first Offence, hath forfeited the within-mentioned Sum of Twenty Pounds, which we mitigate and lessen to Twelve Pounds, to be distributed as the Law directs: And the Second of the said Offences not being fully proved, we do acquit him thereof. Given under our Hands at Hertford aforesaid, this Tenth Day of July, Anno Domini, 1715.

If no Mitigation is made, then the Words, viz. (which we mitigate and lessen to Twelve Pounds,) must be left out.

A Judgment against a Defendant convicted of not giving Notice of one of the Vessels mentioned in the Information, and acquitted of the rest.

AT the Time and Place appointed by our Summons on the Information within written, viz. this Tenth Day of January, Anno Domini, 1715. at *Basingstoke* in the County of *South-ton*, the within named Defendant appeareth and pleadeth that he is not guilty of the Offences within mentioned; but it now being fully proved that he did make use of one of the Vessels within mentioned in the manner within expressed, and did not give any Notice thereof, as in the within written Information is alledged, we do convict him thereof: It is therefore now here considered and adjudged by us the said Justices, that the said Defendant for that Offence hath forfeited Fifty Pounds, which we mitigate and lessen to Twenty Pounds, to be distributed as the Law directs; and it appearing that he had given due Notice of all the other brewing Vessels within mentioned, we do acquit him as for and concerning the said other brewing Vessels within mentioned. Given under our Hands at *Basingstoke* aforesaid, this Tenth Day of January, Anno Domini, 1715.

If no Mitigation is made, then these Words, viz. (which we mitigate and lessen to Twenty Pounds) must be left out.

A Judgment against a Maltster convicted of Hiding and Concealing One Hundred and Seventy Bushels, being part of the Malt mentioned in the Information, and acquitted of the rest.

AT the Time and Place appointed by our Summons on the Information within written, viz. this Sixth Day of February, Anno Domini, 1715. at Greenwich in the County of Kent, the within named Defendant appeareth and pleadeth, that he is not guilty of the Offence within mentioned; but it now being fully proved that he did hide and conceal One Hundred and Seventy Bushels of Malt, being part of the Malt mentioned in the within written Information; we do convict him of Hiding and Concealing the said One Hundred and Seventy Bushels: It is therefore now here considered and adjudged by us the said Justices, that the said Defendant for that Offence hath forfeited Eighty Five Pounds, which we mitigate and lessen to Fifty Pounds to be distributed as the Law directs: And there not appearing unto us any sufficient Proof of his hiding and concealing the residue and remainder of the said Two Hundred Bushels of Malt in the said Information mentioned, amounting to Thirty Bushels; we do acquit him as for and concerning the hiding and concealing the said Thirty Bushels. Given under our Hands at Greenwich aforesaid this Sixth Day of February, Anno Domini, 1715.

If

If no Mitigation is made, then these Words, viz. (which we mitigate and lessen to Fifty Pounds,) must be left out.

In all other like Cases where the Penalty is more or less in proportion to the Quantity of any Manufacture, if the Defendant is convicted of part only, and is acquitted of the rest, the Judgment may be as next before.

A Judgment against a Defendant convicted as to part of the Arrears mentioned in the Information, (as to so much) being laid before the Time for paying thereof was fully expired.

AT the Time and Place appointed by our Summons on the within written Information, viz. this Ninth Day of March, Anno Domini, 1715. at Kingston upon Thames in the County of Surry, the within named Defendant appeareth and pleadeth, that he is not guilty of the Matters within mentioned; but upon good and sufficient Proof we now convict him of not having duly paid the Duties of Ten Barrels of Strong-Beer, and of Twenty Barrels of Small-Beer, (part of the strong and small Beer mentioned in the Information) at the Time by the Statute appointed for Payment thereof: It is therefore now here considered and adjudged by us the said Justices, that the said Defendant for that Offence hath forfeited double the Value of the Duties of the said Ten Barrels of strong and Twenty Barrels of small Beer, amounting to seven Pounds thirteen Shillings and four Pence:

But as to the rest of the strong and small Beer mentioned in the said Information, the Time for Paying the Duties thereof not being now fully expired; we for the present do acquit the said Defendant of having forfeited the double Duties thereof. Given under our Hands at *Kingston* aforesaid, this Ninth Day of *March*, *Anno Domini*, 1715.

C H A P. XVI.

DIRECTIONS concerning Warrants to seize Goods, &c. on Judgments given by Justices of the Peace.

IT will be sufficient in these Warrants to mention generally, That the Money to be levied thereby was recovered for an Offence or Offences against the Laws of Excise, or for an Offence or Offences against the Laws relating to the Duties on Candles, Soap, or the like, (as the Case may happen to be,) without expressing particularly the Species or kind of the Offence, which having been particularly described and ascertained in the Information on which the Judgment is given, and in the Summons thereupon: And the Defendant having thereby had Notice thereof, it will be altogether needless again to repeat any Thing thereof in the Warrant to the Person who is to levy the Money, who acting therein only as the Minister and Servant of the Justices, need not be informed of the particular Offence committed by the Defendant; but if
the

the Warrant containeth full and plain Directions to him what he is to do, and how and in what manner he is to act, that will be all that will be necessary for him to be informed of.

The Warrants in the next following Chapter are all calculated for Cases where the Justices have mitigated the Penalties; but will likewise serve in Cases where no such Mitigation is made, that is, in Cases where no Mitigation is made you must leave out the Words following, *viz.* *(by us mitigated and lessened from the Sum of Fifty Pounds of like Money.)*

It hath already been observed, That where an Information is laid for double Duties forfeited by not duly paying single Duties, the Justices cannot in their Judgment make any Mitigation of those Penalties, and that the Warrant thereupon must be pursuant to and must agree with such Judgment; and for that Reason there must not in such Case be any Mitigation expressed in such Warrant; and therefore these Words, *viz.* *(by us mitigated and lessened from the Sum of Twenty Pounds of like Money,)* must in all such Cases be left out of all such Warrants; but that such Warrants may not be executed according to the full Extent thereof, (as they ought not to be unless in special and particular Cases,) the Justices may on the Back of such Warrant make an Indorsement to this or the like Effect, *viz.*

Levy on the within written Warrant only *A Dire.* the single Duties remaining unpaid, and for the *on to be in-* Charges of the Prosecution in this Case Ten *dorsed on* Shillings, *viz.* inserting here such Sum more or *Warrants* less as the Justices shall think fit to allow for the *for double* Charges of such Prosecution. *Duty.*

The following Warrants are calculated for Cases where the Judgments are for one Penalty and

Directions concerning Warrants, &c.

and for one Offence only; but in Cases where the Judgment is for Two or more Offences and Penalties, instead of the Word *Offence* insert the Word *Offences*.

See before in Chapter the 12th in the First Part hereof, Reasons why the directing those Warrants to Officers of Excise is better and more proper than directing them to Constables, &c.

These Warrants may bear Date the same Day when the Judgments are given or any Day after (not being on Sunday,) as is already mentioned in the said 12th Chapter in the First Part.

Where there is no Danger of the Defendant's carrying off his Goods and Effects, it will be adviseable for the Officer before he executes the Warrant to demand the Money of the Defendant, and to try by fair Means to prevail with him to pay the Money; but if persuasion won't do, the Officer may then execute the Warrant, but should always do it in the best and civilest manner that may be. See the said 12th Chapter in the First Part hereof, about Warrants.

C H A P. XVII.

Warrants to seize Goods, &c. on Judgments given by Justices of the Peace.**A Warrant against a Victualler to levy Ten Pounds.**

To A B and C D Officers of Excise, and to either of them, and to such other Person, and Persons, as they or either of them shall take to their Assistance,

Devonshire, ss. **W**E whose Hands and Seals are hereunto set, Two of His Majesty's Justices of the Peace for the said County of Devon, do in his said Majesty's Name authorize and command you, every or any of you, that upon the brewing Vessels and Utensils for Brewing used by *Edward Francis of Tiverton* in the County of Devon, Victualler in the Brew-House and Place where he usually brews at *Tiverton* aforesaid; and upon the Goods and Chattels of the said *Edward Francis*, you or any of you do levy the Sum of Ten Pounds of lawful English Money, by us mitigated and lessened from the Sum of Fifty Pounds of like Money, recovered against him by J C, Gent. who prosecuted as well for our Sovereign Lord the King, as for himself, for a certain Offence committed by the said *Edward Francis*, against the Laws and Statutes of Excise, whereof he is convicted before us; and for the levying thereof, you are to seize, take,

These Words are in 15. Car. II. Cap. 11. s. 2.

take, and carry away the said brewing Vessels and Utensils of Brewing, and also the Goods and Chattels aforesaid; and if in Fourteen Days next after such Seizure the same shall not be redeemed, then and in such Case (after the Expiration of the said Fourteen Days,) you are to make Sale thereof, or of so much thereof as shall be sufficient to levy the said Sum of Ten Pounds, which when levied, you are forthwith to pay to the Collector of Excise, for the Collection called *Tiverton* Collection, for the Time being, to be by him distributed and answered according to the Statute in such Case made and provided: And if after levying thereof any overplus shall remain of the said brewing Vessels, or of the said Goods or Chattels, or of the Money arising by Sale thereof, you are to render such overplus to the said *Edward Francis*; and all Constables and Headboroughs of the said County are hereby required to be aiding and assisting to you in the due Execution hereof; but in Case there cannot be found sufficient to raise the Sum last mentioned, then and in such Case you by a Return to this our Warrant are forthwith to certify the same to us the said Justices. Given under our Hands and Seals at *Tiverton*, in the said County of *Devon*, this six and twentieth Day of *June*, in the second Year of His said Majesty's Reign, *Annoq; Dom. 1716.*

See Directions concerning Warrants in the Chapter next before.

A War-

A Warrant against a Distiller to levy Fifteen Pounds.

To A B and C D Officers of Excise, and to either of them, and to such other Person and Persons as they or either of them shall take to their Assistance.

County of South'ton ss. **W**E whose Hands and Seals are hereunto set, Two of His Majesty's Justices of the Peace for the said County of Southampton, do in His said Majesty's Name au-^{These Words are used in 7 c. 8 W. III. Cap. 30. Sect. 13.}thorize and command you, every or any of you, that upon the Stills, Worms, Still Heads, and all other Vessels and Utensils for Distilling, used by *Jasper Smith* of *Basingstoke* in the County of South'ton, common Distiller, in the Distilling-House and Place where he usually Distills, at *Basingstoke* aforesaid, and upon the Goods and Chattels of the said *Jasper Smith*, you or any of you do levy the Sum of Fifteen Pounds of lawful English Money, by us mitigated and lessened from the Sum of Forty Pounds of like Money, recovered against him by *T B. Gent.* who prosecuted as well for our Sovereign Lord the King, as for himself, for a certain Offence committed by the said *Jasper Smith*, against the Laws and Statutes of Excise, whereof he is convicted before us; and for the levying thereof you are to seize, take, and carry away the said Stills, Worms, Still Heads, and other Vessels and Utensils for Distilling, and also the Goods and Chattels aforesaid; and if in Fourteen Days next after such Seizure the same shall not be redeemed, then

Warrants to seize Goods, &c.

then and in such case you (after the Expiration of the said Fourteen Days) are to make Sale thereof, or of so much thereof as shall be sufficient to levy the said Sum of Fifteen Pounds, which when levied you are forthwith to pay to the Collector of Excise, for the Collection called *Hants* Collection for the Time being, to be by him distributed and answered according to the Statute in such case made and provided; and if after levying thereof any overplus shall remain of the said Stills, Worms, Still Heads, Vessels or Utensils for Distilling, or of the said Goods and Chattels, or of the Money arising by Sale thereof, you are to render such overplus to the said *Jasper Smith*; and all Constables and Headboroughs of the said County are hereby required to be aiding and assisting to you in the due Execution hereof: But in case there cannot be found sufficient to raise the Sum last mentioned, then and in such case you by a Return to this our Warrant are forthwith to certify the same to us the said Justices. Given under our Hands and Seals at *Basingstoke* in the said County of *South'ton*, this second Day of *July*, in the second Year of His said Majesty's Reign, *Annoq; Domini*, 1716.

See Directions concerning Warrants in the Chapter next before.

A War-

*A Warrant against a Vinegar Maker, to levy
Twenty Pounds.*

*To AB and CD Officers of Excise, and to
either of them, and to such other Person and
Persons as they or either of them shall take
to their Assistance.*

*Kent, ss. WE, whose Hands and Seals are here-
unto set, Two of His Majesty's
Justices of the Peace for the said County of Kent,
do in his said Majesty's Name authorize and
command you, every or any of you, that upon
the Brewing-Vessels and Utensils for Brewing
Vinegar Beer, used by Peter Andrews of Green-
wich in the said County of Kent, Vinegar-Ma-
ker, and upon the Goods and Chattels of the
said Peter Andrews, you or any of you do levy
the Sum of Twenty Pounds of lawful English
Money, by us mitigated and lessened from the
Sum of Fifty Pounds of like Money, recovered
against him by P B, Gent. who prosecuted as
well for our Sovereign Lord the King, as for
himself, for a certain Offence committed by the
said Peter Andrews against the Laws and Statutes
of Excise, whereof he is convicted before us;
and for the levying thereof you are to seize,
take and carry away the said Brewing-Vessels
and Utensils for Brewing, and also the Goods
and Chattels aforesaid; and if in Fourteen Days
next after such Seizure the same shall not be re-
deemed, then and in such case you (after the
Expiration of the said Fourteen Days,) are to
make Sale thereof, or of so much thereof as shall
be sufficient to levy the said Sum of Twenty
Pounds,*

*These
Words are
in 14. Car.
11. Cap.
30. Sect.
13.]*

Warrants to seize Goods, &c.

Pounds, which when levied you are forthwith to pay to the Collector of Excise, for the Collection called *Rocheſter* Collection for the Time being, to be by him diſtributed and answered according to the Statute in ſuch caſe made and provided; and if after levying thereof any overplus ſhall remain of the ſaid Brewing-Veſſels and Utenſils for Brewing, or of the ſaid Goods or Chattels, or of the Money ariſing by Sale thereof, you are to render ſuch overplus to the ſaid *Peter Andrews*; and all Conſtables and Headboroughs of the ſaid County are hereby required to be aiding and aſſiſting to you in the due Execution hereof; but in caſe there cannot be found ſufficient to raiſe the Sum laſt mentioned, then and in ſuch Caſe you by a Return to this our Warrant are forthwith to certify the ſame to us the ſaid Juſtices. Given under our Hands and Seals at *Greenwich* in the ſaid County of *Kent*, this Sixth Day of *April*, in the ſecond Year of His ſaid Maſteſty's Reign, *Annoq; Domini*, 1716.

See Directions concerning Warrants in the Chapter next before.

A Warrant againſt a Retailer of Cyder, to levy Five Pounds.

To A B and C D Officers of Excise, and to either of them, and to ſuch other Perſon and Perſons as they or either of them ſhall take to their Aſſiſtance.

Surry, ſſ. **W**E whoſe Hands and Seals are hereunto ſet, Two of His Maſteſty's Juſtices of the Peace for the ſaid County of *Surry*, do in His ſaid Maſteſty's Name Authorize
and

and Command you, every or any of you, that upon the Goods and Chattels of *John White* of *Kingston* in the said County of *Surry*, Retailer of Cyder, you or any of you do levy the Sum of Five Pounds of lawful English Money, by us mitigated and lessened from the Sum of Ten Pounds of like Money, recovered against him by *P A*, Gent. who prosecuted as well for our Sovereign Lord the King, as for himself, for a certain Offence committed by the said *John White* against the Laws and Statutes of Excise, whereof he is convicted before us; and for the levying thereof you are to seize, take, and carry away the Goods and Chattels aforesaid; and if in fourteen Days next after such Seizure the same shall not be redeemed, then and in such Case you (a'ter the Expiration of the said Fourteen Days,) are to make Sale thereof, or of so much thereof as shall be sufficient to levy the said Sum of Five Pounds, which when levied, you are forthwith to pay to the Collector of Excise, for the Collection called *Surry* Collection for the Time being, to be by him distributed and answered according to the Statute in such case made and provided; and if after levying thereof any overplus shall remain of the said Goods or Chattels, or of the Money arising by Sale thereof, you are to render such overplus to the said *John White*; and all Constables and Headboroughs of the said County are hereby required to be aiding and assisting to you in the due Execution hereof: But in case there cannot be found sufficient to raise the Sum last mentioned, then and in such case you by a Return to this our Warrant are forthwith to certify the same to us the said Justices. Given under our Hands and Seals at *Kingston* in the said County of *Surry*,

U

this

Warrants to seize Goods, &c.

this First Day of *May*, in the second Year of his said Majesty's Reign, *Annoq; Domini*, 1716.

See Directions concerning Warrants in the Chapter next before.

A Warrant against a Mead-Maker, to levy Five Pounds.

To A B and CD Officers of Excise, and to either of them, and to such other Person and Persons as they or either of them shall take to their Assistance.

Suffex, ss. **WE** whose Hands and Seals are hereunto set, Two of His Majesty's Justices of the Peace for the said County of *Suffex* do in His said Majesty's Name Authorize and Command you, every or any of you, that upon the Goods and Chattels of *Thomas Price* of *Horsham* in the County of *Suffex*, Maker and Seller of Mead, you or any of you do levy the Sum of Five Pounds of lawful English Money, by us mitigated and lessened from the Sum of Ten Pounds of like Money, recovered against him by *B E*, Gent. who prosecuted as well for our Sovereign Lord the King as for himself, for a certain Offence committed by the said *Thomas Price*, against the Laws and Statutes of Excise, whereof he is convicted before us, and for the levying thereof you are to seize, take, and carry away the said Goods and Chattels; and if in Fourteen Days next after such Seizure the same shall not be redeemed, then and in such case you (after the Expiration

tion of the said Fourteen Days,) are to make Sale thereof, or of so much thereof as shall be sufficient to levy the said Sum of Five Pounds, which when levied you are forthwith to pay to the Collector of Excise, for the Collection called *Sussex* Collection for the Time being, to be by him distributed and answered according to the Statute in such case made and provided: And if after levying thereof any overplus shall remain of the said Goods or Chattels, or of the Money arising by Sale thereof, you are to render such overplus to the said *Thomas Price*; and all Constables and Headboroughs of the said County are hereby required to be aiding and assisting to you in the due Execution hereof: But in case there cannot be found sufficient to raise the Sum last mentioned, then and in such case you by a Return to this our Warrant are forthwith to certify the same to us the said Justices. Given under our Hands and Seals at *Horsbarn* in the said County of *Sussex*, this Eighth Day of *June*, in the Second Year of His said Majesty's Reign, *Annoq; Domini*, 1716.

See Directions concerning Warrants in the Chapter next before.

A Warrant against a Maltster to levy Thirty Pounds.

To A B and C D. Officers of Excise, and to either of them, and to such other Person and Persons as they or either of them shall take to their Assistance.

*These
Words in
the Malt
Act.*

County of Hertford, ss. **W**E whose Hands and
Seals are hereunto
set, Two of His Majesty's Justices of the Peace
for the said County of *Hertford*, do in His said
Majesty's Name Authorize and Command you,
every or any of you, that upon the Malt found
in the Custody of *George Simpson* of *Standon*
in the said County of *Hertford*, Maker of
Malt, and upon the Utensils used by the said
George Simpson for making Malt in the Place
where he usually makes Malt at *Standon* afore-
said, and upon his Goods and Chattels, you
or any of you do levy the Sum of Thirty
Pounds of lawful English Money, by us miti-
gated and lessened from the Sum of One Hun-
dred Pounds of like Money, recovered against
him by *R B*, Gent. who prosecuted as well for
our Sovereign Lord the King, as for himself,
for a certain Offence committed by the said
George Simpson against the Laws and Statutes of
Excise, and for granting Duties upon Malt, &c.
whereof he is convicted before us; and for the
levying thereof you are to seize, take and car-
ry away the said Malt and Utensils for mak-
ing Malt, and also the Goods and Chattels
aforesaid; and if in Fourteen Days next after
such Seizure the same shall not be redeemed,
then

then and in such case you (after the Expiration of the said Fourteen Days,) are to make Sale thereof, or of so much thereof as shall be sufficient to levy the said Sum of Thirty Pounds, which when levyed you are forthwith to pay to the Collector of Excise and Malt, for the Collection called *Hertford Collection* for the Time being, to be by him distributed and answered according to the Statute in such case made and provided; and if after levying thereof any overplus shall remain of the said Malt, Utensils, Goods or Chattels aforesaid, or of the Money arising by Sale thereof, you are to render such overplus to the said *George Simpson*; and all Constables and Headboroughs of the said County are hereby required to be aiding and assisting to you in the due Execution hereof: But in case there cannot be found sufficient to raise the Sum last mentioned, then and in such case you by a Return to this our Warrant are forthwith to certify the same to us the said Justices. Given under our Hands and Seals at *Standon* in the said County of *Hertford*, this six and twentieth Day of *March*, in the Second Year of His said Majesty's Reign, *Annoq; Domini, 1716.*

See Directions concerning Warrants in the Chapter next before.

Warrants to seize Goods, &c.

A Warrant against a Maker of Candles, to levy Twenty Pounds.

To A B and C D Officers of Excise, and to either of them, and to such other Person and Persons as they, or either of them, shall take to their Assistance.

County of Oxon, ss. **WE**, whose Hands and Seals are hereunto set, Two of his Majesty's Justices of the Peace for the said County of Oxon, Do in his said Majesty's Name, Authorize and Command you, every or any of you, That upon the Candles, and Materials and Utensils for the making of Candles found in the Custody of *James Baker* of Henley, in the said County of Oxon, Maker of Candles; And upon the Goods and Chattels of the said *James Barker*, you, or any of you, do levy the Sum of Twenty Pounds of lawful English Money, by us mitigated and lessened from the Sum of Fifty Pounds of like Money, recovered against him by *J. P. Gent.* who prosecuted, as well for our Sovereign Lord the King, as for himself, for a certain Offence committed by the said *James Baker*, against the Laws and Statutes relating to the Duties due to his said Majesty on Candles, whereof he is Convicted before us; And for the levying thereof, you are to seize, take and carry away the said Candles, Materials and Utensils, for making Candles, and also the Goods and Chattels aforesaid; and if in fourteen Days next after such Seizure, the same shall not be redeemed, then and in such Case, you (after the Expiration of the said Fourteen Days)

*The Words
in the first
Candle
Act.*

Days) are to make Sale thereof, or of so much thereof, as shall be sufficient to levy the said Sum of Twenty Pounds, which when levied, you are forthwith to pay to the Collector of *Excise*, for the Collection, called *Oxon* Collection, for the Time being, to be by him distributed and answered, according to the Statute in such Case made and provided: And if after levying thereof, any Overplus shall remain of the said Candles, and Materials, and Utenils, for making Candles, or of the said Goods or Chattels aforesaid, or of the Money arising by Sale thereof, you are to render such Overplus to the said *James Baker*. And all Constables and Headboroughs of the said County, are hereby required to be Aiding and Assisting to you, in the due Execution hereof: But in case there cannot be found sufficient to raise the Sum last mentioned; then and in such Case, you, by a Return to this our Warrant, are forthwith to Certify the same to Us the said Justices. Given under our Hands and Seals, at *Henley*, in the said County of *Oxon*, this Thirtieth Day of *April*, in the Second Year of His said Majesty's Reign, *Annoq; Domini, 1716.*

See Directions concerning Warrants in the Chapter next before.

A Warrant against a Planter of Hops for Fifteen Pounds.

To A B and C D Officers of Excise, and to either of them, and to such other Person and Persons, as they, or either of them, shall take to their Assistance.

Kent, ss. **WE** whose Hands and Seals are hereunto set, Two of his Majesty's Justices of the Peace for the said County of Kent, Do in His said Majesty's Name, Authorize and Command, you, every or any of you, *The Words in the first Hop Act.* That upon the Hops, found in the Custody of *John Mitchell* of *Dartford*, in the said County of Kent, Planter of Hops, or of any to the Use of, or in Trust for him, and upon the Goods and Chattels of the said *John Mitchell*, you, or any of you do levy the Sum of Fifteen Pounds of lawful English Money, by us mitigated and lessened, from the Sum of Fifty Pounds, of like Money, recovered against him, by *P. B. Gent.* who prosecuted as well for our Sovereign Lord the King, as for himself, for a certain Offence committed by the said *John Mitchell*, against the Laws and Statutes, relating to the Duties due to his Majesty on Hops grown in *Great Britain*, whereof he is Convicted before us, and for the levying thereof, you are to seize, take, and carry away, the said Hops, Goods, and Chattels, and if in fourteen Days next after such Seizure, the same shall not be redeemed, then, and in such Case, you (after the Expiration of the said fourteen Days) are to make Sale thereof, or of so much thereof as shall be sufficient,

ficient, to levy the said Sum of Fifteen Pounds, which when levied, you are forthwith to pay to the Collector of *Excise*, for the Collection called *Rochester* Collection, for the Time being, to be by him distributed and answered, according to the Statute in such Case made and provided: And if after levying thereof, any Overplus shall remain of the said Hops, Goods, or Chattels, or of the Money arising by Sale thereof, you are to render such Overplus to the said *John Mitchell*; And all Constables and Headboroughs of the said County, are hereby required to be Aiding and Assisting to you in the due Execution hereof: But in case there cannot be found sufficient to raise the Sum last mentioned, then, and in such Case, you, by a Return to this our Warrant, are forthwith to Certify the same to Us the said Justices. Given under our Hands and Seals, at *Dartford*, in the said County of *Kent*, this First Day of *June*, in the second Year of His said Majesty's Reign, *Annoq; Domini*, 1716.

See Directions concerning Warrants in the Chapter next before.

*A Warrant against a Maker of Soap for
Thirty Pounds.*

To AB and CD Officers of Excise, and to either of them, and to such other Person and Persons as they, or either of them, shall take to their Assistance.

Sussex, ss. **W**E whose Hands and Seals are hereunto set, Two of his Majesty's Justices of the Peace for the County of *Sussex*,

The Words
in the first
Soap Act.

Suffex, do in his said Majesty's Name, Authorise and Command you, every or any of you, that upon the Soap, and Materials and Utensils for the making of Soap, found in the Custody of *Thomas Powell* of *Cuckfield*, in the said County of *Suffex*, Maker of Soap, and also upon the Goods and Chattels of the said *Thomas Powell*, you, every, or any of you, do levy the Sum of Thirty Pounds of lawful English Money, by us mitigated and lessened, from the Sum of One Hundred Pounds of like Money, recovered against him, by *B. E. Gent.* who prosecuted, as well for our Sovereign Lord the King, as for himself, for a certain Offence committed by the said *Thomas Powell*, against the Laws and Statutes relating to the Duties due to his Majesty on Soap made in *Great-Britain*, whereof he is Convicted before us: And for the levying thereof, you are to seize, take, and carry away, the said Soap, and Materials and Utensils for making Soap, and also the said Goods and Chattels aforesaid, and if in fourteen Days next after such Seizure, the same shall not be redeemed, then, and in such Case, you (after the Expiration of the said fourteen Days) are to make Sale thereof, or of so much thereof, as shall be sufficient to levy the said Sum of Thirty Pounds, which when levied, you are forthwith to pay to the Collector of *Excise*, for the Collection called *Suffex* Collection, for the Time being, to be by him distributed and answered, according to the Statute in such Case made and provided; And if after levying thereof, any Overplus shall remain of the said Soap, Materials, Utensils, Goods or Chattels aforesaid, or of the Money arising by Sale thereof, you are to render such Overplus, to the said *Thomas Powell*; And all

Constables

Constables and Headboroughs of the said County, are hereby required to be Aiding and Assisting to you in the due Execution hereof. But in Case there cannot be found sufficient to levy the Sum last mentioned, then and in such Case, you (by a Return to this our Warrant) are forthwith to certify the same to us, the said Justices. Given under our Hands and Seals at *Cuckfield*, in the said County of *Sussex*, this eighth Day of *June*, in the second Year of his said Majesty's Reign, *Annoq; Domini, 1716.*

See Directions concerning Warrants in the Chapter next before.

A Warrant against a Maker of Paper for Twenty Pounds.

To AB and CD Officers of Excise, and to either of them, and to such other Person and Persons, as they or either of them, shall take to their Assistance.

Middlesex, ss. **W**E whose Hands and Seals are hereunto set, Two of His Majesty's Justices of the Peace for the said County of *Middlesex*, do in His said Majesty's Name Authorize and Command you, every or any of you, that upon the Paper and Materials, and Utenils for the making thereof, found in the Custody of *Henry Mason of Brentford*, in the said County of *Middlesex*, Maker of Paper, or of any other or others, to the use of, or in trust for him, and also upon the Goods and Chattels of the said *Henry Mason*, you, every or any of you do levy the Sum of Twenty Pounds of lawful English

The Words in the First Paper Act.

Warrants to seize Goods, &c.

glish Money, by us mitigated and lessened from the Sum of Sixty Pounds of like Money, recovered against him by *P A*, Gent. who prosecuted as well for our Sovereign Lord the King, as for himself, for a certain Offence committed by the said *Henry Mason*, against the Laws and Statutes relating to the Duties due to His Majesty on Paper made in *Great-Britain*, whereof he is convicted before us; and for the levying thereof you are to seize, take, and carry away the said Paper, and Materials and Utensils for the making Paper, and also the said Goods and Chattels aforesaid; and if in Fourteen Days next after such Seizure the same shall not be redeemed, then and in such case you (after the Expiration of the said Fourteen Days,) are to make Sale thereof, or of so much thereof as shall be sufficient to levy the said Sum of Twenty Pounds, which when levied, you are forthwith to pay to the Collector of Excise, for the Collection called *Surry* Collection for the Time being, to be by him distributed and answered according to the Statute in such case made and provided; and if after levying thereof any overplus shall remain of the said Paper, Materials, Utensils, Goods, or Chattels aforesaid, or of the Money arising by Sale thereof, you are to render such overplus to the said *Henry Mason*; and all Constables and Headboroughs of the said County are hereby required to be aiding and assisting to you in the due Execution hereof: But in case there cannot be found sufficient to raise the Sum last mentioned; then and in such case you by a Return to this our Warrant are forthwith to certify the same to us the said Justices. Given under our Hands and Seals at *Brentford* in the said County of *Middlesex*, this Thirtieth Day of *May*,
in

in the second Year of His said Majesty's Reign,
Annoq; Domini, 1716.

*See Directions about Warrants in the Chapter
next before.*

*A Warrant against a Printer, &c. of Calli-
coes and Linens for Ten Pounds.*

*To AB and CD Officers of Excise, and to
either of them, and to such other Person
and Persons as they or either of them shall
take to their Assistance.*

Surry, ss. **W**E whose Hands and Seals are here-
unto set, Two of His Majesty's
Justices of the Peace for the said County of Sur-
ry, do in His said Majesty's Name, Authorize
and Command you, every or any of you, that
upon the Utensils and Instruments for the print-
ing, painting, staining, or dying of Silks, Cal-
licoes, Linens, or Stuffs found in the Custody
of *James Hosier* of Guilford in the said County
of Surry, Printer, Painter, Stainer, and Dyer
of Callicoes and Linens, or of any other or others
to the use of, or in trust for him, and also upon
the Goods and Chattels of the said *James Hosier*,
you or any of you do levy the Sum of Ten Pounds
of lawful English Money, by us mitigated and les-
sened from the Sum of Thirty Pounds of like
Money, recovered against him by *PA, Gent.*
who prosecuted as well for our Sovereign Lord
the King, as for himself, for a certain Offence
committed by the said *James Hosier*, against the
Laws and Statutes relating to the Duties due
to His said Majesty, upon printing, painting,
staining

*The Words
in the First
Callicoe
Act.*

Warrants to seize Goods, &c.

staining, and dying Silks, Callicoes, Linens, and Stuffs, whereof he is convicted before us; and for the levying thereof you are to seize, take, and carry away the said Utensils and Instruments, Goods and Chattels aforesaid; and if in Fourteen Days next after such Seizure the same shall not be redeemed, then and in such case you (after the Expiration of the said Fourteen Days,) are to make Sale thereof, or of so much thereof as shall be sufficient to levy the said Sum of Ten Pounds, which when levied you are forthwith to pay to the Collector of Excise, for the Collection called *Surry* Collection for the Time being, to be by him distributed and answered according to the Statute in such case made and provided; and if after levying thereof any overplus shall remain of the said Utensils or Instruments, or of the Goods or Chattels aforesaid, or of the Money arising by Sale thereof, you are to render such overplus to the said *James Hosier*; and all Constables and Headboroughs of the said County are hereby required to be aiding and assisting to you in the due Execution hereof: But in case there cannot be found sufficient to levy the Sum last mentioned, then and in such case you by a Return to this our Warrant are forthwith to certify the same to us the said Justices. Given under our Hands and Seals at *Guilford* aforesaid, this Eighth Day of *April*, in the second Year of His said Majesty's Reign, *Annoq; Domini*, 1716.

See Directions concerning Warrants in the Chapter next before.

Note, There is not in the first Act for laying Duties on the Printing of Silks, Callicoes, and Linens, any particular Words to make Silks, Callicoes,

or

or Linens, found in the Custody of such Printers, liable to Sums recovered of such Printers; therefore unless such Silks, Callicoes, and Linens be the proper Goods of such Printer, they cannot be seized on a Warrant against such Printer, &c.

But by a Clause at the End of the last Malt-Act of 1 Georgii, Silks, Callicoes, Linens, &c. in the Hands of Travelling Printers, viz. such as print, &c. at any other Place than their usual Place of Residence, or usual Places of working, may be seized for the Duties due for printing, &c. thereof, if the said Duties are not paid down before such Printing thereof.

A Warrant against a Maker of Starch for Twenty Pounds.

To AB and CD Officers of Excise, and to either of them, and to such other Person and Persons as they, or either of them shall take to their Assistance.

Devonshire, ss. **W**E whose Hands and Seals are hereunto set, Two of His Majesty's Justices of the Peace, for the County of Devon, Do in his said Majesty's Name, Authorize and Command you, every or any of you, That upon the Starch and Materials, and Utensils, for the making Starch, found in the Custody of *Andrew Jones of Axminster*, in the said County of Devon, Maker of Starch, or of any other or others, to the use of, or in trust for him, and also upon the Goods and Chattels of the said *Andrew Jones*, you, or any of you, do levy the Sum of Twenty Pounds of lawful English Money, by us mitigated and lessened from the Sum of Fifty Pounds, of like Money, recovered against him, by *J B Gent.* who prosecuted as well

*The Words
in the First
Starch Act.*

well for our Sovereign Lord the King, as for himself, for a certain Offence committed by the said *Andrew Jones*, against the Laws and Statutes, relating to the Duties due to his Majesty on Starch, made in *Great-Britain*, whereof he is Convicted before us; and for the levying thereof, you are to seize, take and carry away, the said Starch, and Materials, and Utensils, for making Starch, and also the said Goods and Chattels aforesaid; And if in fourteen Days next after such Seizure, the same shall not be redeemed, then, and in such Case, you (after the Expiration of the said fourteen Days) are to make Sale thereof, or of so much thereof, as shall be sufficient to levy the said Sum of Twenty Pounds, which when levied, you are forthwith to pay to the Collector of *Excise*, for the Collection called *Tiverton* Collection for the Time being, to be by him distributed and answered according to the Statute in such Case made and provided; and if after levying thereof, any Overplus shall remain of the said Starch, Materials, Utensils, Goods, or Chattels aforesaid, or of the Money arising by Sale thereof, you are to render such Overplus to the said *Andrew Jones*; and all Constables and Headboroughs of the said County are hereby required to be aiding and assisting to you in the due Execution hereof: But in case there cannot be found sufficient to levy the Sum last mentioned, then and in such case you by a Return to this our Warrant are forthwith to certify the same to us the said Justices. Given under our Hands and Seals at *Axminster* in the said County of *Devon*, this Twelfth Day of *April*, in the second Year of His said Majesty's Reign, *Annoque Domini*, 1716.

See Directions concerning Warrants in the Chapter next before.

C H A P.

C H A P. XVIII.

*Directions concerning Warrants to Seize
and Imprison the Persons of Defen-
dants.*

BY the First Act for the Hereditary Excise, viz. 12 Car. II. Cap. 24. Sect. 44. Excise-Book, Fol. 45. the Justices of Peace are impowered and required to issue out Warrants for levying Forfeitures, Penalties, &c. on the Goods of Defendants; and for want of sufficient Distress to imprison the Party offending, until Satisfaction be made.

But you are to know, That in all Cases there must first be a Warrant to seize the Goods and Utensils, &c. and a Return made thereto, before any Warrant can regularly be made, to seize or imprison the Person and Body of the Defendant.

And therefore, though it should be proved never so fully, before Justices of the Peace, that a Defendant hath not any Utensils, Goods, or Effects; or that he hath removed and carried off all his Goods and Effects, &c. or though the Justices themselves should know the Fact so to be, yet notwithstanding the same be never so true; yet in all cases there ought first to be a Warrant to seize the Utensils and Goods, &c. and if in Fact there are no Utensils, Goods, or Effects, or if none can be found so as to be seized, the Officer in such case must under his Hand make a Return and Certificate thereof, to the Justices

who then and not before may regularly grant a Warrant to seize the Body and Person of the Defendant; but a Warrant to seize the Body and Person of the Defendant must not in any case be made out untill such Return is made to such Warrant for seizing the Goods.

If there happen to be some Utensils, Goods, or Effects which are not sufficient to raise the Sum for levying whereof such Warrant is granted, the Officer after the Expiration of the Fourteen Days, to be computed from the Day when he seized such Goods or Effects, must sell and dispose thereof for the best Price he can get for the same; and having so done must return and certify, That by Vertue of such Warrant he hath leyed so much Money as such Utensils and Goods, &c. are sold for; and that there are no other Utensils, Goods, or Effects whereon to levy the Remainder of the said Sum; and after such Return is duly made and not before, the Justices may in such case also grant a Warrant to seize and imprison the Body of the Defendant, 'till Satisfaction be made for the residue and remainder of such Sum.

When an Officer by Vertue of such Warrant hath seized and arrested the Body of such Defendant, he must conduct such Defendant to the next Gaol or Prison, and there deliver him into the Custody of the Keeper or Gaoler of such Prison, who cannot receive such Person into his Custody without having a proper Warrant empowering him so to do.

Therefore when a Warrant is made to arrest and imprison any Defendant, it will be proper that a Duplicate thereof be made, because as the Officer who arrests such Defendant, ought
for

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for his own Justification, to keep the Warrant whereby he so arrests him, so ought the Jaylor or Keeper of the Prison to have a Warrant for his Justification also, but if such Duplicate be at first made, (as before is proposed) and if both are delivered to the Officer who is to Arrest the Defendant, he may then keep one for his own Justification, and may deliver the other to the Jaylor, when he delivers to him the Prisoner.

When the Officer who arresteth such Defendant doth deliver him to such Jaylor or Keeper, it will be proper for such Officer, on the Back of the Warrant which he designs to keep, to take a Receipt under the Hand of such Jaylor or Keeper, acknowledging his receiving into his Custody such Prisoner.

If no Utensils or Goods can be found, a Return may in such Case forthwith be made in the following Form, viz.

The Form of a Return to be made on a Warrant where no Utensils or Goods can be found.

Devonshire ss. **I** John Brown, one of the Officers of his Majesty's Duties of Excise, do humbly certify to *AB* and *CD* Esqrs; Two of his said Majesty's Justices of the Peace, for the County of *Devon*, That by Virtue of a Warrant from the said Justices, to levy the Sum of Ten Pounds upon the Brewing-Vessels and Utensils for Brewing, used by *EF* in his usual Place of Brewing, and upon his Goods and Chattels, I have made diligent Search for such Vessels, Utensils, Goods, and Chattels; and that I cannot find out or discover any such
X z Vessels,

Warrants to seize Goods, &c.

Vessels, Utensils, Goods, or Chattels; and that I do not know, or can find that the said *E F* hath any Goods or Chattels whatsoever. Witness my Hand hereunto set, at *B.* in the said County of *D.* this Seven and Twentieth Day of June, Anno Domini, 1716.

Such Return as this being duly made, a Warrant to seize the Body may be made out, according to the Form, in the Chapter next following.

C H A P. XIX.

A Warrant to Arrest the Body of the Defendant, upon a Return of the first Warrant that he hath no Goods, &c.

To John Brown and William Hill, Officers of Excise, and to either of them, and to such other Person and Persons, as they or either of them, shall take to their Assistance. And

To the Jaylor or Keeper of such Prisons, to whom these Presents shall come.

Devonshire, ff. **W** Hereas, We whose Hands and Seals are hereunto set, Two of his Majesty's Justices of the Peace for the said County of *Devon*, by our Warrant, under our Hands and Seals, bearing Date the Six and twentieth Day of June now instant, Did Re-quire

quire and Command you, the said *John Brown* and *William Hill*, or either of you, to levy the Sum of Ten Pounds therein mentioned, on the Brewing-Vessels and Utensils for Brewing, used by *Edward Francis* of *Tiverton*, in the said County of *Devon*, Victualler, and upon the Goods and Chattels of the said *Edward Francis*: And whereas, you the said *John Brown*, by a Return and Certificate under your Hand, bearing Date the Seven and twentieth Day of *June* now instant, have certified to us, that having made diligent Search for such Brewing-Vessels and Utensils for Brewing, and for such Goods and Chattels, you cannot find any, whereon to levy the said Ten Pounds or any Part thereof, and that no such Vessels, Utensils, Goods or Chattels can be found; We therefore the said Justices, Do in his said Majesty's Name, hereby Authorize, Require, and Command you, every, or any of you, to take and arrest the Body of the said *Edward Francis*, and forthwith to carry the same to the Gaol or Prison of and for the County or Place where you shall so take and arrest the same, and the same, together with a Duplicate of this our Warrant, there to deliver into the Custody of the Gaoler or Keeper of the said Gaol or Prison of and for the said County or Place, there to remain in safe Custody, untill he shall satisfy and pay the said Sum of Ten Pounds of lawful English Money, by us mitigated and lessened from the Sum of Fifty Pounds of like Money, by us the said Justices, adjudged against him, upon an Information exhibited against him before us, by *J C*, Gent. as well on the Behalf of his said Majesty, as of himself, for a certain Offence committed by the said *Edward Francis* against the Laws and Statutes of *Excise*,

whereof he stands convicted before us the said Justices: And all Constables, and other His Majesty's Officers, are hereby Authorized and Required, to be Aiding and Assisting to you, in the due Execution hereof; and the Gaoler and Gaolers, Keeper and Keepers of such Gaol or Prison to which you shall so carry the Body of the said *Edward Francis*, is and are, hereby Authorized and Required to receive into his or their Custody, the Body of the said *Edward Francis*, and the same to keep in safe Custody untill he shall satisfy and pay the said Sum of Ten Pounds before-mentioned; and for your, any, or either of your doing, as before is respectively directed, this shall be to you, any or either of you respectively, a sufficient Warrant and Authority. Given under our Hands and Seals at *Tiverton* in the said County of *Devon*, this Nine and Twentieth Day of *June*, in the Second Year of the Reign of His said Majesty, *Annoq; Domini, 1716.*

If on the Warrant to seize the Utensils and Goods, &c. the Officer seizeth such Utensils and Goods as are not sufficient to levy the Sum in the Warrant, there may in such Case be made a Warrant to seize and imprison the Body of the Defendant, untill Satisfaction is made for the residue not levied on the said Warrant: But such Warrant to seize the Body for such residue can't be granted untill a Return is made to the Warrant for seizing the Goods, and such Return can't be made untill the Utensils or Goods seized, are actually sold, because untill they are actually sold, it can't be certainly known how much they can be sold for, and the Utensils and Goods can't be sold untill full Fourteen Days after the seizing thereof, but when,

Persons of Defendants.

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when the said Fourteen Days are fully expired, and the Goods are actually sold, then if the Money arising by Sale thereof is not sufficient to answer the Sum in the Warrant, the Officer may make a Return to this or the like Effect, viz.

The Form of a Return where part of the Money is levied on the Warrant against the Goods.

Devonshire, ss. **I** John Brown one of the Officers of His Majesty's Duties of Excise, Do humbly certify to AB and CD, Esqrs; Two of His said Majesty's Justices of the Peace for the said County of Devon, That by Virtue of a Warrant from the said Justices, to levy the Sum of Ten Pounds, upon the brewing Vessels and Utensils for Brewing, used by Edward Francis in his usual Place of Brewing, and upon his Goods and Chattels; I have seized all such Vessels, Utensils, Goods, and Chattels as I could find out or discover, and the same not having been redeemed within Fourteen Days next after my said seizing thereof; I the said John Brown after the Expiration of the said Fourteen Days, next after the said seizing thereof, have sold the same for the best Price I could get for them, and have thereby levied and raised the Sum of Three Pounds, part of the said Sum of Ten Pounds, which said Sum of Three Pounds I now have ready to be paid and answered according to the Direction of the said Warrant; and I do further humbly certify to the said Justices, That having made diligent

Warrants against the

Search for such other Vessels, Utensils, Goods, and Chattels as are mentioned in the said Warrant, I cannot find out or discover any other such Vessels, Utensils, Goods or Chattels whatsoever; whereby the residue of the said Sum of Ten Pounds or any Part thereof can or may be levied. Witness my Hand hereunto set, at *B.* in the said County of *D.* this Seven and Twentieth Day of *June*, Annoq; Domini, 1716.

A Warrant to Arrest the Person of the Defendant, where Part of the Money is levied on the Warrant against the Goods.

To John Brown and William Hill, Officers of Excise, and to either of them, and to such other Person and Persons, as they, or either of them shall take to their Assistance, in the due Execution hereof. And

To the Gaoler and Keeper of such Prison, to whom these Presents shall come.

Devonshire ss. **W** Hereas we whose Hands and Seals are hereunto set, Two of His Majesty's Justices of the Peace for the said County of *Devon*, by our Warrant under our Hands and Seals, bearing Date the Twelfth Day of *June* now instant, did require and command, you the said *John Brown* and *William Hill* or either of you, to levy the Sum of Ten Pounds therein mentioned, on the Brewing-Vessels and Utensils for Brewing, used by *Edward Francis* of *Tiverton*,

Tiverton, in the said County of *Devon*, Victual-
ler, and upon the Goods and Chattels of the
said *Edward Francis*: And whereas, you the said
John Brown, by a Return and Certificate under
your Hand, bearing Date the Seven and twenti-
eth Day of *June* now instant, have Certified to
us, That by Virtue of our said Warrant, you have
seized all such Vessels, Utensils, Goods and
Chattels, as you could find; and that the same
not having been redeemed within Fourteen Days
next after the said seizing thereof, you the said
John Brown after the Expiration of the said Four-
teen Days, next after the said seizing thereof,
have sold the said Vessels, Utensils, Goods and
Chattels, by you so seized as aforesaid, for the best
Price that you could get for the same, and have
thereby levied and raised the Sum of Three
Pounds, part of the said Sum of Ten Pounds; and
you have also further Certified to us the said Justi-
ces, That having made diligent Search for such o-
ther Vessels, Utensils, Goods and Chattels as are
mentioned in the said Warrant, you cannot find
out or discover any other such Vessels, Uten-
sils, Goods or Chattels whatsoever, whereby
the Residue of the said Sum of Ten Pounds, or
any Part thereof, can or may be levied; we
therefore the said Justices, Do, in his said Maje-
sty's Name, hereby Authorize, Require and Com-
mand you, every, or any of you, to take and
arrest the Body of the said *Edward Francis*, and
forthwith to carry the same to the Gaol or Pri-
son of and for the County or Place where you
shall so take and arrest the same; and the same,
together with a Duplicate of this our Warrant,
there to deliver into the Custody of the Gaoler or
Keeper of the said Gaol or Prison for the said
County

County or Place, untill he shall satisfy and pay the Sum of Seven Pounds of lawful English Money, being the residue of the said Sum of Ten Pounds, by us the said Justices mitigated and lessened from the Sum of Fifty Pounds of like Money, by us the said Justices adjudged against him upon an Information exhibited against him before us by J C, Gent. as well on the Behalf of His said Majesty, as of himself, for a certain Offence committed by the said *Edward Francis*, against the Laws and Statutes of Excise, whereof he stands convicted before us the said Justices; and all Constables and other His Majesty's Officers are hereby authorized and required to be aiding and assisting to you in the due Execution hereof: And the Gaoler and Gaolers, Keeper and Keepers, of such Gaol or Prison to which you shall so carry the Body of the said *Edward Francis*, is, and are hereby authoriz'd and required to receive and take into his or their Custody, the Body of the said *Edward Francis*, and the same to keep in safe Custody until he shall satisfy and pay the said Sum of Seven Pounds before-mentioned; and for your, any, or either of your doing, as before is respectively directed, this shall be to you, any, or either of you respectively, a sufficient Warrant and Authority. Given under our Hands and Seals at *Tiverton* in the said County of *Devon*, this Nine and Twentieth Day of *June*, in the Second Year of His said Majesty's Reign, *Annoq; Domini*, 1716.

Note, If the Servant of a Brewer is concerned or assisting in the making an Increase, or in the laying off of any Beer or Ale, contrary to the Act of

of 8 & 9. W. III. Cap. 18. such Servant forfeits Twenty Skillings per Barrel, and in default of Payment thereof is to suffer Three Months Imprisonment.

And every such Servant or other Person who is aiding or assisting in the using any Mellasses, Coarse Sugar, Honey, or Extract of Sugar in the Brewing or Working Ale or Beer, or in carrying or conveying the same into the House, Brew-House, or other Place belonging to such Brewer, contrary to the Act of 10 & 11 W. III. Cap. 21. forfeits for every Offence Twenty Pounds, and in default of Payment thereof, is to suffer Three Months Imprisonment: If therefore a Judgment be obtained against a Servant for either of the before-mentioned Penalties, and if in default of Payment of such Penalty a Warrant is thereupon made to imprison such Servant, such Warrant must be only to imprison him for the Space of Three Months; but if before the Expiration of such Three Months such Penalty is paid, such Person so imprisoned ought thereupon to be released; but the Warrant must not in such Case be according to the Forms before, viz. to imprison such Person until Satisfaction is made. But must be to imprison him by the space of Three Months, unless Satisfaction be made in the mean time.

C H A P. XX.

Of Seizing and Condemning Foreign Brandy or other Foreign Liquors. landed without due Entry, &c.

BY a Clause in the Act of 14 Car. II. Cap. 11. Sect. 15. it is Enacted, That no Ship or Ships, Goods, Wares, or Merchandizes shall be seized as forfeited, for or by Reason of unlawful Importation or Exportation into or out of the Kingdom of *England, &c.* but by the Person or Persons who are or shall be appointed by His Majesty, to manage the Customs or Officers of His Majesty's Customs for the Time being, or such other Person or Persons as shall be deputed or authorized thereunto, by Warrant from the Lord Treasurer or Under-Treasurer, or by special Commission from His Majesty under the Great or Privy-Seal.

The Patents to the Commissioners of Excise are always under the Great-Seal, and in those Patents there always is a special Clause whereby the Commissioners of Excise, and all and every their Officers and Agents, Gaugers, Surveyors, Officers, or Waiters for the Excise, are fully impowered to seize all such Foreign Brandy or other Foreign Exciseable Liquors as shall be landed or put on Shore before due Entry, &c.

Which said Clause in the Patents to the Commissioners of Excise is sufficient to impower the Officers of Excise to seize all Foreign Exciseable Liquors which shall be unduly landed, but not to seize any other Foreign Liquors or Merchandize,

Merchandize, but such only as are liable to Duties of Excise, and are unduly landed.

What Foreign Liquors are liable to Duties of Excise, will appear by the First Excise Acts, where you will find that Rates and Duties of Excise are thereby laid on Beer or Ale imported, on Cyder and Perry imported, on Spirits imported, and on imported Strong-Waters perfectly made; and by the several Acts for the additional Duties of Excise, further Duties are laid on all the said Foreign and Imported Liquors.

Foreign Mum brought into *England* is in Fact Beer or Ale imported, and is therefore liable to the said Duties on Beer and Ale imported.

By 22 *Car. II. Cap. 4. Sect. 2. Excise-Book, Fol. 83.* it is declared, That Brandy is a Strong-Water perfectly made, and liable to the Duties on Strong-Waters imported.

In the Act of 15 *Car. II. Cap. 11. Sect. 17. Excise-Book, Fol. 72 & 73.* is the following Clause, *viz.* ‘ And for the better levying and collecting the Duties of Excise upon all Foreign or imported Liquors, Be it Enacted by the Authority aforesaid, That no such Foreign or imported Liquors shall be landed or put on Shore out of any Ship or Vessel from beyond the Seas, before due Entry be first made thereof, with the Officer or Collector appointed for the Excise, in the Port or Place where the same shall be imported, or before the Duty of Excise due and payable for the same be fully satisfied and paid, and that every Warrant for the landing or delivering of any such Foreign Liquors shall be signed by the Hand of the said Officer or Collector of Excise in the said Port or Place respectively, upon

‘ upon Pain that all such Foreign Liquors as
 ‘ shall be landed, put on Shore, or delivered,
 ‘ contrary to the true Intent and Meaning here-
 ‘ of, or without the Presence of an Officer or
 ‘ Waiter for the Excise, or the Value thereof
 ‘ shall be forfeited and lost, the one Moiety to
 ‘ the King’s Majesty, and the other Moiety to
 ‘ him or them who shall or will seize, inform,
 ‘ or sue for the same, to be recovered of the Im-
 ‘ porter or Proprietor thereof.

And in another Clause in the said Act, viz.
Sect. 25. Excise-Book, Fol. 78. are these Words;
 viz. ‘ And that all Fines, Penalties, and Forfeit-
 ‘ tures (for which no Remedy is ordained for
 ‘ Recovery thereof by this Act,) shall be reco-
 ‘ vered by Action of Debt, Bill, Complaint, or In-
 ‘ formation in any Court of Record, &c. or by
 ‘ such other Ways and Means as by the said for-
 ‘ mer Act is directed and appointed.

The said Act referred to by this last Clause
 doth direct, That the Party accused shall be
 summoned; and therefore when Foreign Li-
 quors unduly landed, are intended to be con-
 demned before Justices of the Peace, it will be
 necessary that the Party accused, viz. the Im-
 porter or the Proprietor thereof be summoned;
 but if neither the Importer or Proprietor
 thereof can be found out so as to be summoned
 to appear before the Justices of the Peace,
 such Foreign Liquors cannot be condemned
 before them; because in such Cases there being
 no particular Party accused, there will not be
 any proper Person to be summoned, and unless
 the Party accused be summoned, the Justices
 of the Peace have not sufficient Authority to
 proceed; but in such cases the Proceedings
 against such Foreign Liquors so seized must
 be

be in the Court of *Exchequer*, and cannot be before the Justices of the Peace.

Note, It may often happen, That the same Person is both the Importer, and also the Proprietor of the same Foreign Liquors unduly landed; and therefore in Informations on such Seizures it will be proper to alledge, That the Defendant in such Information is the Importer and Proprietor; and if at the Hearing thereupon it doth appear that such Defendant is either the Importer or the Proprietor, that will be sufficient to maintain such Information; the foregoing Act having directed, that such Forfeitures may be recovered either of the Importer or Proprietor.

Note, Also where Foreign Liquors which have been unduly landed, are found near the Sea Coast, in the Possession or Custody of any Person who doth not give any satisfactory Account how he came by them; such finding thereof in the Custody of such Person is an Evidence that he is the Proprietor thereof; and in such case an Information may be laid against him as the Proprietor thereof.

Note, Informations on all Seizures must be in the Name of the Person who actually makes the Seizure, and must not be in the Name of the Collector unless he himself actually makes the Seizure.

But if Two or more Persons make a Seizure, the Information may be in the Name of one of them only, and then the other or others may be Witnesses to prove such Seizure.

And what has been seized by one Officer, may be a second Time seized by another Officer; and in such case the Information may be laid in the Name of him who made such second Seizure,

Informations, &c. for condemning

Seizure, and he who made the first Seizure may in such case be a Witness on such Information: And therefore when an Officer has made a Seizure of any Foreign Liquor unduly put on Shore, it will be best to get the Collector to make a second Seizure thereof, that the Information may be laid in his Name, and that he who made the first Seizure may be a Witness.

C H A P. XXI.

Informations, Summons, and Judgments, against Importers and Proprietors of Foreign Liquors unduly landed.

An Information for condemning Foreign Brandy unduly landed.

County of South'ton, *ff.* **B**E it Remembred, That this Thirtieth Day of September, in the first Year of the Reign of our Sovereign Lord King GEORGE, that now is, at Port/mouth, in the said County of Southampton, William Harding, one of the Officers of his said Majesty's Duties of *Excise*, in his proper Person, cometh before us *A B* and *C D* Esqs; Two of his said Majesty's Justices of the Peace, for the County of South'ton aforesaid, residing near to the Place where the Seizure herein-after-mentioned was made, and as well for his said Majesty as himself, to us, Exhibiteth a Complaint and Information; and thereby informeth us, That he the said William Harding, for and during Three Months, now last past and longer, hav-
ing

ing continued to be, and yet being an Officer for the Duties of *Excise*, duly constituted, appointed, and qualified, according to the Form of the Statute in such Case made and provided, He the said *William Harding*, within the said Three Months, now last past, that is to say, on the Tenth Day of *September* now instant, within the Port of *Southampton*, that is to say, at *Portsmouth* in the said County of *Southampton*, did seize to the Use of his said Majesty, and of himself, as forfeited, a certain Parcel of Foreign and imported Liquors, that is to say, Fifteen Gallons of Foreign Strong Waters perfectly made, called Brandy, for that the same being Foreign and Imported Liquors, charged and chargeable with the Duties of *Excise*, and other Duties due to his said Majesty, had been brought and imported, from Parts beyond the Seas into the Port aforesaid, that is to say, to *Portsmouth* aforesaid, and had been there landed and put on Shore out of some Ship or Vessel, from beyond the Seas, before any due Entry had been made thereof, with the Officer or Collector appointed for the *Excise*, in the Port and Place where the same had been so imported as aforesaid; And before the Duty of *Excise* due and payable for the same was fully satisfied and paid, and without any Warrant for the Landing or Delivering thereof, signed by the Hand of the Officer or Collector of the *Excise*, in the Port and Place where the same were so landed; and without the Presence of any Officer or Waiter for the *Excise*, as by the Statute in such Case made there ought to have been; and contrary to the Form of the said Statute, whereby the said Foreign Liquors, then and there being of the Price and Value of Five Pounds and Five

Y Shillings

Informations &c. for condemning

Shillings of Lawful Money of *England* became forfeited; and the said *William Harding*, farther informeth us, the said Justices, That one *Henry Robinson* of *Portsmouth* aforesaid, was, and is thy Proprietor of the said Foreign Liquors so landed as aforesaid; and thereupon the said *William Harding*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises; and that the said Foreign Liquors, may remain forfeited, and that he may have one Moiety thereof, according to the Form of the said Statute; and that the said *Henry Robinson* may be summoned to shew Cause if he can, before us the said Justices, why the said Foreign Liquors should not be judged forfeited, and to make Defence in the Premises before us the said Justices.

A Summons on the foregoing Information.

To Mr. Henry Robinson.

County of South'ton, ss. WE *AB* and *CD* Esquires, Two of his Majesty's Justices of the Peace for the County of *South'ton*, Do hereby give you Notice, That *William Harding*, one of the Officers of his said Majesty's Duties of *Excise*, hath before us exhibited an Information against you, for the Forfeiture of Fifteen Gallons of Foreign Liquor, called Brandy, found in your Custody and Possession, which, as he alledgeth, were imported and landed, and put on Shore, without due Entry and Payment of Duty, contrary to the Statute in such Case made; and that you are the Proprietor thereof; you are therefore, &c. (as in other Summons.)

A Judgment on the foregoing Information, where the Defendant Appareth and Pleadeth.

AT the Time and Place appointed by our Summons on the within written Information, that is to say, on the Eighth Day of *October, Anno Domini 1714.* at *Portsmouth* in the County of *South'ton*, the within named Defendant appareth before us the Justices within named, and pleadeth, that the several Facts within mentioned, are not true, as the same are within alledged to be; but the same are now before us fully proved to be, as they are within alledged. It is therefore now here considered and adjudged by us the said Justices, that for, and by Reason of the Matters and Things within alledged, and now duly proved before us, the Brandy within mentioned is forfeited; and upon due Proof now made before us, that the same is of the Value of Five Pounds and Five Shillings of lawful English Money, we do adjudge and determine the same to be of the said Value of Five Pounds and Five Shillings, of which we do adjudge one Moiety to be to the Use of our Sovereign Lord the King; and the other Moiety to be to the Use of the within named *William Harding*. Given under our Hands at *Portsmouth*, in the said County of *South'ton*, this eighth Day of *October, Anno Domini, 1714.*

In these Cases, there is not any Occasion for any Warrant, but after the Brandy or Foreign Excisable Liquors have been condemned in the manner before, they may be sold and disposed of, without any farther Order for the selling thereof.

C H A P. XXII.

S U M M O N S for Witnesses.

*A Summons for a Witness to appear, &c.
in the same Month when the Summons
bears Date.*

Berks, ss. **O**N the Part of the Informer herein after named, You are hereby summoned and required personally to be and appear before us *AB* and *CD*, Esqrs. Two of His Majesty's Justices of the Peace for the County of *Berks*, on *Saturday* the Fourteenth Day of *April* now instant, at Three of the Clock in the Afternoon of the said Day, at the House of *William Arnold*, being the Sign of the *Red-Lyon*, an Inn and publick House in *Reading*, in the said County of *Berks*; then and there to give Evidence for the Discovery of the Truth of a Matter in Controversy before us, between *William Bate-*
The Words in 7 & 8. w. III. Cap. 30. Sect. 24. *man*, Gent. Informer against *Henry Smith*, Maltster, Defendant, on an Information now depending before us, touching an Offence against the Laws and Statutes for laying Duties on Malt, &c. But if you fail herein, you will forfeit the Penalty of Ten Pounds. Given under our Hands at *Reading* afore said, this seventh Day of *April*, Anno Domini, 1716.

To Mr. *John Williams*.

Summons for Witnesses.

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*A Summons for a Witness to appear, &c.
in a Month following the Date of the
Summons.*

Suffolk, ss. **O**N the part of the Informer here-
in after named, you are hereby
summoned and required personally to be and
appear before us *AB* and *CD*, Esqrs. Two of
His Majesty's Justices of the Peace for the
County of *Suffolk*, on *Tuesday* the Fifth Day of
June now next ensuing, at Three of the Clock
in the Afternoon of the said Day, at the House
of *Thomas Mason*, being the Sign of the Crown,
an Inn and publick House in *Beckles* in the said
County of *Suffolk*, then and there to give Evi-
dence for the Discovery of the Truth of a Mat-
ter in Controversy before us, between *John Todd*,
Gent. Informer against *James Brown*, Victualler,
Defendant, on an Information now depending
before us, touching an Offence against the Laws
and Statutes of Excise; but if you fail herein
you will forfeit the Penalty of Ten Pounds.
Given under our Hands at *Beckles* aforesaid,
this Six and twentieth Day of *May*, *Anno*
Domini, 1716.

*The Words
in 7 & 8.
W. III.
Cap. 30.
Secd. 24.*

To Mr. *Samuel Peters*.

A Summons for several Witnesses.

Hertfordshire, **O**N the part of the Informer here-
in after-named, you, every, and
each of you are and is hereby respectively sum-
moned and required personally to be and appear
before us *AB* and *CD*, Esqrs. Two of His
Majesty's Justices of the Peace for the said
County

Y 3

Summons for Witnesses.

The Words
in 7 & 8.
W. III.
Cap. 30.
Sect. 24.

County of *Hertford*, on *Tuesday* the seventeenth Day of *July* instant, at Ten of the Clock in the Forenoon of the said Day, at the House of *John Spencer*, being the Sign of the *Crown*, an Inn and publick House in *Ware*, in the said County of *Hertford*, then and there respectively to give Evidence for the Discovery of the Truth of a Matter in Controversy before us, between *Richard Backwell*, Gent. Informer against *William Gason*, Maker of Candles, Defendant, on an Information now depending before us, touching an Offence against the Laws and Statutes of Excise, and for granting Duties upon Candles; but if you, any, or either of you fail herein, such of you as so fail will respectively forfeit the Penalty of Ten Pounds. Given under our Hands at *Ware* aforesaid, this Ninth Day of *July*, Anno Domini, 1716.

To Mr. *Thomas Parsons*,
 Mr. *George Stevens*, and
 Mr. *Andrew Roberts*.

C H A P. XXIII.

Informations against several Defendants for Arrears of Duties of Excise.

IF any Objection should be made against the joining several Defendants in one Information, it may be answered, that the Informations next following, are not against the said Defendants jointly, or so as to oblige or require any of them, to answer for the Default or Defaults of

of any other or others of them; or any Ways to charge or make any of them any ways liable or accountable for, or in respect of the Default or Defaults of any other or others of them; but each of them is respectively charged with so much only as relates to himself; and the Import of the said Informations is to require each Defendant separately to answer to so much only of the said Information as strictly and properly relates to himself only, and such Information when rightly considered, will appear to be a separate Information against each Defendant.

An Information against several Victuallers in Arrears, viz. for the double Duties, forfeited by not duly paying the single Duties.

Kent, ss. **B**E it Remembred, That this Second Day of *April*, in the Second Year of the Reign of our Sovereign Lord King **G E O R G E** that now is, at *Sevenoake* in the County of *Kent*, *Philip Bamford*, Gent. in his proper Person cometh before us *A B* and *C D*, Esqrs. Two of His said Majesty's Justices of the Peace for the said County of *Kent*, residing near to the respective Places where the several and respective Offences and Forfeitures herein after mentioned were committed and made, and as well for his said Majesty, as for himself, exhibiteth to us a Complaint and Information; and thereby informeth us, That the several and respective Persons here after named, in the First Column here under-written, at several Times between the Thirtieth Day of *December* and the Six and Twentieth Day of *February*, both now last past, in the said County of *Kent*, that is to

Y 4

say,

say, at the several Towns and Places hereafter mention'd in the said First Column, hereafter written at the respective Brew-Houses and Places of Brewing, by them the said Persons severally and respectively used at the said respective Time and Times, Place and Places, and to them there severally and respectively at the said Time and Times belonging, did severally and respectively brew the several and respective Quantities of Beer and Ale, each above Six Shillings the Barrel, commonly called Strong Beer and Ale, and also Beer not above Six Shillings the Barrel, commonly called Small Beer, hereafter respectively written against each of their respective Names in the Two next Columns: And that they the said several Persons, at and during the respective Time and Times of such their respective Brewing the said respective Quantities of Beer and Ale, and of every part thereof respectively, were and yet are at the said respective Towns and Places, Victuallers, and Tappers-out and Sellers of Beer and Ale, whereby, and by Virtue of several Statutes in such Case made, there did accrue and become due to his said Majesty from them respectively, for and in respect of the said respective Quantities of Beer and Ale so by them respectively brewed as aforesaid, certain Rates, Duties and Sums of Money respectively, amounting unto the several Sums of lawful English Money hereafter expressed in the fourth Column, hereafter written against each of their Names respectively, which said Rates, Duties, and Sums of Money, so accrued and become due from them respectively as aforesaid, they the said several and respective Persons, according to several and respective Statutes in such Case made, ought respectively

for Arrears of Duties of Excise.

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to have paid and cleared off to or for the Use of his said Majesty, within one Month next after they (according to the Form of the said several and respective Statutes) respectively did make or ought to have made their respective Entry or Entries of the said Beer and Ale, so by them respectively brewed as aforesaid, or of any part thereof, or at any Time since; but the said several and respective Persons have wholly omitted and neglected to pay and clear off the same and every Part thereof, contrary to the Form of the said several and respective Statutes; whereby they respectively have forfeited double the Value of the said respective Rates, Duties and Sums of Money by them respectively neglected and omitted to be paid as aforesaid, which said double Values of the said respective Duties and Sums of Money, do amount to the several Sums of Money, hereafter expressed in the fifth Column hereafter written; and thereupon the said *Philip Bamford*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises: and that he may have one fourth Part of the said several and respective Forfeitures, according to the Form of the Statute in such Case made; and that the said several and respective Persons, may respectively be summoned, respectively to answer the said Premises, and to make their Defence thereto, before us the said Justices.

Note, There not being room here to insert the Columns referred to in the foregoing Information, the said Columns are in the Page next following; but when such Information is to be drawn in Writing, the Columns must be at the bottom, or on the back of the same Sheet.

First

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First Column.	2d Column. Quantities of Strong Beer or Strong Ale a- bove Six Shil- lings the Bar- rel.	3d Column. Quantities of Small Beer not above Six Shil- lings the Bar- rel.	4th Column. Sums due for the Single Du- ties.	5th Column. The double Value of the said Duties.
	Gallons	Gallons	l. s. d.	l. s. d.
	Firkins	Firkins		
	Barrels	Barrels		
<i>Thomas Kemp, of Wesserham.</i>	3	7	1 6 3	2 12 6
<i>James Pinfold, of the same.</i>	5	9	2 1 1	4 2 2
<i>Peter Smith, of Braisted.</i>	4	7	1 11 7	3 3 2
<i>John Brown, of Sundridge.</i>	6	4	1 15 4	3 10 8

Each Defendant must have a separate Summons, according to the Forms of the Summons before, on other Informations for Arrears.

An Information against several Retailers of Cyder in Arrear, viz. for the double Duties forfeited, by not duly paying the single Duties.

Devonshire, ff. **B**E it Remembred, &c. (as in the foregoing Information against *Vitallers*) That the several and respective Persons named in the first Column hereafter written, at several and respective Times, between the four and twentieth Day of *December*, and the nineteenth Day of *March*, both now last past, in the said County of *Devon*, that is to say, at the several Towns and Places hereafter mentioned in the said first Column hereafter written, did respectively sell by Retail, the several and respective Quantities of Cyder made in *England*, *Wales*, or Town of *Berwick upon Tweed*, hereafter respectively written, against each of their respective Names in the second Column hereafter written; and at the said respective Time and Times, Place and Places, of such their respective Selling thereof, and of every Part thereof respectively, were Retailers of the said respective Quantities of Cyder, by them so sold as aforesaid, whereby, and by Virtue of several Statutes in such Case made and provided, there did accrue and become due to his said Majesty from them respectively, for and in respect of the said respective Quantities of Cyder so made and sold as aforesaid, several Rates, Duties and Sums of Money respectively, , amounting unto the respective Sums of Lawful English Money hereafter expressed, in the third Column hereafter written, against each of their Names respectively,

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spectively, which said Duties and Sums of Money, so accrued and become due from them respectively as aforesaid, or any Part thereof, they the said several and respective Persons have not respectively paid or cleared off, to or for the Use of his said Majesty, within one Month next after they (according to the Form of the several and respective Statutes in such Case made and provided) respectively did make or ought to have made their respective Entry or Entries of the said Cyder so by them sold by Retail as aforesaid, or of any Part thereof, or at any Time since; but the same respectively yet remain wholly due and unpaid, contrary to the Form of the said several and respective Statutes in such Case made and provided; whereby they respectively have forfeited double the Value of the said respective Duties and Sums of Money, so respectively remaining unpaid as aforesaid, which said double Values of the said respective Duties and Sums of Money, do respectively amount to the several Sums of Money hereafter expressed in the fourth Column hereafter written. And thereupon the said *Harthory Brudenell*, who as well, (*as in the foregoing Information against Victuallers.*)

Note, There not being room here to insert the Columns referred to in the foregoing Information, the said Columns are in the Page next following; but when such Information is to be drawn in Writing, the Columns must be at the bottom, or on the back of the same Sheet.

First

First Column.	2d Column.	3d Column.		4th Column.	
		Sums due for the single Duties.		The double Value of the said Duties.	
		l.	s.	l.	s.
The Names of the Defendants, and the Places of their Selling Cyder by Retail.	Hogheads				
	Gallons				
Simon Lister, of Chidley.	6 0	3	4 0	6	8 0
Anthony Simpson, of Asburton.	10 0	5	6 8	10	13 4
Charles Tompson, of Totnes.	5 31 $\frac{1}{2}$	2	18 8	5	17 4

Each Defendant must have a *separate Summons*, according to the *Form* of the *Summons* before, on other *Informations for Arrears*.

the said Day of at
aforesaid, in the County of a-
foreaid in a certain belonging to the
faid

The Form of the Judgment.

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said

did

And that he the said

did

as by the Statute in such case made and provided
but he the said

to the form of
the Statute in such case made and provided.

Whereupon the said after having
been duly summoned now appearing before us the
said Justices upon this Day of

in the said Year of the Reign of
our Sovereign Lord King GEORGE the Second
at in the said County of

and being present, and having heard, and fully
understood the said Information, and the said E-
vidence thereupon given by the said

is asked by us the said Justices if he hath
any thing to say for himself, why, he the said
should not be convicted of the
Premises

The Form of the Judgment.

Premises charged upon him in and by the said Information, and because it manifestly appears to us the said Justices (we having heard and fully understood all and singular the Matters and Things alledged by the said in his Defence) that the said is guilty of the said Premises specified in the said Information and charged upon the said

in and by the said Information; therefore 'tis considered and adjudged by us the said Justices of the Peace, that the said by the Testimony of the said

be and is convicted of the Matters and Things alledged against him in and by the said Information as aforesaid, and that he the said

do forfeit the Sum of of lawful Money of *Great Britain*, which said Forfeiture of we the said Justices

do mitigate and lessen to the Sum of to be distributed as the Law directs:

In Witness whereof we the said

the aforesaid Justices have set our Hands and Seals, at aforesaid, upon the Day of in the Year of the Reign of our Sovereign Lord King *GEORGE* the Second.

TWO

T W O
F O R M S
F O R
I N F O R M A T I O N S
A G A I N S T
D E A L E R S *in* B R A N D Y.

T H E O N E

For the Twenty Pound Penalty for Non-
ENTRY of a ROOM us'd for
keeping BRANDY, &c.

T H E O T H E R

For Forty Shillings *per* GALLON, for expo-
sing to Sale BRANDY when it was
not in any Place enter'd.

L O N D O N:

Printed in the Year MDCCXXXIV.

TWO

FOR M S

FOR

INFORMATIONS

AGAINST

DEALERS IN BRANDY.

THE ONE

For the Twenty Pound Penalty for Non-

Entry of a ROOM used for

keeping BRANDY, &c.

THE OTHER

For Forty Shillings per Gallon, for expo-

sure to Sale BRANDY when it was

not in any Place entered.

A. G. N. O. W.

Printed in the Year MDCCXXIV.

A FORM for an Information against a Dealer in Brandy for the 20l. Penalty for Non-entry of a Room used for keeping Brandy, &c.

County of Southampton ff. **B**E it Remember'd this Second Day of June, *A. D.* 1721. at *Basingstoke* in the said County of *Southampton*, that *Thomas Broughton*, Gentleman, as well for his present Majesty King **GEORGE** that now is, as for himself, now here exhibiteth to and before us *A. B.* and *C. D.* two of his said Majesty's Justices of the Peace for the said County of *Southampton*, residing near to the Place where the Forfeiture herein after mention'd was incurred, an Information and Complaint, and thereby informeth us, **THAT** since the first Day of *August* 1720, that is to say, on the 20th Day of *May*, now last past, and long before, and ever since the said 20th Day of *May* aforesaid, at *Worting* in the said County of *Southampton*, one *Samuel Brown* hath been and hath continued to be, and yet is a Seller of and Dealer in Brandy, Arrack, Rum, Spirits and Strong Waters for sale; and that he to being such Seller and Dealer as aforesaid, he the said *Samuel Brown* on the said 20th Day of *May* aforesaid, at *Worting* aforesaid did make use of one Room for the keeping of Brandy Arrack, Rum, Spirits and Strong Waters for sale, and therein did then and there keep Brandy, Arrack, Rum, Spirits and Strong Waters for

Forms for Proceeding on Seizures.

Sale, without making or having made at the Office of Excise at *Basingstoke* in the said County of *Southampton* (the said Office of Excise at *Basingstoke* aforesaid at the time when, &c. being as in fact it then was, and yet is the next Office of Excise) or at any other Office of Excise, any Entry in Writing of the said Room so made use of as aforesaid, as by the Statute in such case made and provided he in such case ought thereof to have made: But such Entry thereof hath willfully and fraudulently neglected and omitted to make, contrary to the Form of the Statute in such case made and provided, whereby he hath forfeited the Sum of 20*l.* of lawful Money of *Great-Britain*, whereof he the said *Thomas Broughton*, who, as well, &c. humbly prayeth the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, and that the said *Samuel Brown* may be summoned to answer the Premises, and to make his Defence thereto before us the said Justices.

If the Defendant hath made use of two Rooms without Entry, then the Information must be thus: *viz.* — Did make use of two Rooms for the keeping of Brandy, Arrack, Rum, Spirits and Strong Waters for Sale, and in the said two Rooms, and in each of them, did then and there keep Brandy, Arrack, Rum, Spirits and Strong Waters for Sale, without making or having made at the Office of Excise, &c. (as in the Precedent before) any Entry in Writing of the said Rooms, or of either of them, as by the Statute in such case made and provided he in such case ought thereof respectively to have made: But such Entry of them, and of each of them

Forms for Proceeding on Seizures.

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them, hath wilfully and fraudulently neglected and omitted to make, contrary to the Form of the Statute in such case made and provided, whereby he hath forfeited the Sum of 20*l.* of lawful Money of *Great-Britain*, for every and each of the said Rooms, so made use of as afore-said, amounting in the whole to the Sum of 40*l.* of like lawful Money, whereof, &c. (as in the Precedent before.)



Z 3

A FORM

**A FORM of an Information for 40 s.
per Gallon, for exposing to Sale Brandy
when it was not in any Place enter'd.**

County of Southampton. *ss.* **BE** it Remember'd
this 10th Day of
May, A. D. 1721. at *Andover* in the said Coun-
ty of *Southampton*, that *Thomas Broughton*, Gen-
tleman, as well for his Majesty King **GEORGE**
that now is, as for himself, now here exhibiteth
to and before us *A. B.* and *C. D.* two of his said
Majesty's Justices of the Peace for the said Coun-
ty of *Southampton*, an Information and Complaint,
and thereby informeth us, **THAT** on the first
Day of *May*, now instant, at *Long Parish* in the
said County of *Southampton*, one *Thomas Smith*
did expose to Sale, and did offer to sell * Brandy
that is to say, three Gallons of Brandy, and that the
said Brandy at the aforesaid Time of the said ex-
posing thereof to Sale † as aforesaid, not being
(as in fact it was not) in any Ware-house, Store-
house, Room, Shop, Cellar, Vault or Place, duly
enter'd by him the said *Thomas Smith* at the Of-
fice of Excise at *Andover* aforesaid, (the said Of-
fice of Excise at *Andover* aforesaid, at the said
time when, &c. being (as in fact it then was and
yet is) the next Office of Excise) as made use of,
or as intended to be made use of by him the said
Thomas Smith for the keeping Brandy, Arrack,
Rum, Spirits or Strong Waters, or of any of
them, or for the selling or exposing to Sale of
them, or any of them, the said exposing to Sale §
the said Brandy in and at the Place aforesaid, was,
and is contrary to the Form of the Statute in
such case made and provided, whereby the said

Thomas

* If actual-
ly sold then
add these
Words,
viz. And
did sell.
† And sel-
ling

§ And sel-
ling.

Forms for proceeding on Seizures.

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Thomas Smith hath forfeited the Sum of 40s. for every Gallon of the said Brandy so exposed to Sale as aforesaid, amounting in all to the Sum of 6l. of lawful Money of Great-Britain, whereof the said *Thomas Broughton*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture; and that the said *Thomas Smith* may be summoned to answer the said Premises, and to make Defence there-to before us the said Justices.

In Cases where the Brandy, &c. is actually sold, the Words in the Margin are to be inserted in the Information.

Note, This Penalty extends only to Cases where at the time of selling or exposing to Sale the Brandy it self is in a Place not entered. But if a Dealer in Brandy, &c. having a Place duly entered for keeping his Brandy, &c. without carrying or removing thereof from such entered Place, doth, at any other Place, treat and agree with his Customer to sell him all or any Part thereof, or doth at such other Place produce and shew a Sample of his Brandy, (such Sample not being above four or five Spoonfuls;) either or both of these do not seem to subject such Seller to the said Penalty, because in both the Cases before mention'd, the Brandy, &c. it self at the Time of such selling or exposing to Sale actually is and remains in a Place legally and duly entered, and when delivered will be delivered from such entered Place, whereas the Design of the said Clause for 40s. per Gallon was to prevent the carrying Brandy, &c. it self from Place to Place to sell.

Form for proceeding on Seizures.

Thomas Swain hath forfeited the sum of £4.5 for every Gallon of the said Brandy to export to Sea as aforesaid, amounting in all to the sum of £1. of lawful Money of Great-Britain, whereof the said Thomas Swain, who as well, &c. humbly prays the Judgment of the said Justice in the Premises, and that he may have one moiety of the said Forfeiture; and that the said Thomas Swain may be allowed to answer the said Justice, and to take Defence thereunto before the said Justice, not in any other manner.

In Case where the Brandy is actually sold, the Warrant is to be made in the following manner.

Warrant. This Warrant extends only to Cases where at the time of selling or exporting to Sea the Brandy is in a cask not entered, but in a cask in Brandy, &c. having a Place duly entered for keeping his Brandy, &c. without carrying or removing the said Brandy such entered Brandy, or any other Place, near and agreeable with his Custom, to sell him all or any Part thereof, or both at such other Place produce and show a Sample of his Brandy, (such Sample not being above four or five Spoonfuls) and if or both of them do not seem to be such Brandy as the said Justice, or Justice in behalf the Cases before mentioned, the Brandy, &c. is sold at the Time of fetching or exporting to Sea actually and lawfully in a Place legally and duly entered, and when delivered will be delivered from the entered Brandy, whereas the Design of the said Warrant for the said Justice to prevent the carrying Brandy to be sold from Place to Place

PRECEDENTS

O F

INFORMATIONS

A N D

PROCEEDINGS

Relating to the

DUTIES ON HIDES, &c.

L O N D O N:

Printed in the Year MDCCXXXIV.

PRECEDENTS

OF

INFORMATION

AND

PROCEEDINGS

Relating to the

Duties on Hides, &c.

L O N D O N :

Printed in the Year MDCCXXXIV.

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DIRECTIONS

ABOUT

INFORMATIONS

Relating to HIDES, &c.

IN the Book of Instructions for Officers of the Duties on Hides, &c. Fol. 25. are several Denominations of Leather, as Butts, Backs, Bends, &c. which tho' frequently used by the Traders and Dealers in Leather are not used in the Acts for laying Duties on Hides, &c. The Words used in the Acts of Parliament are necessary to be used in Informations; and it may also be proper to use the Words used by the Traders in Leather, both which may be done in the following Manner, viz.

BUTTS.

When there is Occasion to mention one or more Butts, then thus, viz. One Hide commonly called a Butt; or, three Hides commonly called Butts,

BACKS

B A C K S.

When there is Occasion to mention one or more Backs, then thus, viz. One Piece of an Hide commonly called a Back; or, four Pieces of Hides commonly called Backs.

B E N D S.

When there is Occasion to mention Bends, then thus, viz. twenty Pieces of Hides commonly called Bends.

Leather and Pieces of Leather being thus described and mentioned in Informations, the Informations will agree both with the Acts of Parliament, and also with the Evidence.

B U T T S.

When there is Occasion to mention one or more Butts, then thus, viz. One Hide commonly called a Butt; or, three Hides commonly

*In**called Butts.*

Informations and Proceedings

Relating to the

DUTIES ON HIDES, &c.

An Information against a Tanner living in a Market-Town for not giving Notice of his Tann-house, Tard, Workhouse, Pitts and Fatts.

County of Southampton, ss. **B**E it Remembred this Tenth Day of September, in the Year of our Lord One Thousand Seven Hundred and Eighteen, at *Bishops Waltham* in the said County of *Southampton*, That *Thomas Broughton*, Gent. in his proper Person, as well for his present Majesty King **GEORGE**, as for himself now here, exhibiteth to and before us *A. B. and C. D. Esqrs*; two of His said Majesty's Justices of the Peace for the said County of *Southampton*, residing near to the Place where the Forfeiture herein after mentioned was incurred, an Information and Complaint; and thereby informeth us, That for Three Months now last past, and longer, one *John Williams* of *Bishops Waltham* aforesaid hath been and yet is a Tanner of Hides and Skins, and of Pieces of Hides and Skins, chargeable with the Duties given and granted by the Statutes in such Case made; and that he so being such Tanner as aforesaid, he the said *John Williams*,

liams, within three Months now last past, that is to say, on the first Day of *September* now Instant, at the Town of *Bishops Waltham* aforesaid, (the said Town during the said Three Months having been and yet being a Market Town) in a Tann-house, Tann-yard, Pits and Fatts, then and there belonging to and used by him, did Tan and Dress Hides and Skins and Pieces of Hides and Skins chargeable with the said Duties; and that before he then and there so tanned and dressed the said Hides and Skins, and Pieces of Hides and Skins as aforesaid, he the said *John Williams* did not give or send to any Officer or Officers for the said Duties appointed for the said Market-Town (altho' during all the said three Months now last past, and before, such Officer was and yet is there duly appointed and attending) any Notice in Writing of the Name and Place of Abode of him the said *John Williams*, and of the said Tann-house, Tann-yards, Pits and Fatts, so by him used as aforesaid, as by the Statute in such Case made and provided he ought to have done; but did omit and neglect to give or leave such Notice, contrary to the Form of the said Statute, whereby the said *John Williams* hath forfeited Fifty Pounds of lawful Money of Great-Britain. And thereupon the said *Thomas Broughton*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have two Thirds of the said Forfeiture, according to the Form of the said Statute and that the said *John Williams* may be summoned to answer the said Premises, and to make his Defence thereto before us the said Justices.

Sum-

A Summons upon the Information next
before.

To Mr. John Williams a Tanner.

County of Southampton, *J.* **Y**OU are hereby
summoned and re-
quired by us, *A. B.* and *C. D.* Esqrs; two of His
present Majesty's Justices of the Peace for the
County of Southampton, to be and appear before
us on Monday the Two and Twentieth Day of
September, now Instant, at ten of the Clock in the
Forenoon of the said Day, at the House of *Willi-*
am Brown, at the Sign of the George, being an Inn
and Publick House in *Bishops Waltham* in the said
County, then and there to answer and make your
Defence to an Information exhibited against you
by *Thomas Broughton*, Gent. as well for his said Ma-
jesty as for himself, for the Sum of Fifty Pounds
by you forfeited, for and by your not giving,
sending, or leaving due Notice of a Tann-house,
Tann-yard, Pits and Fatts by you used for Tan-
ning of Hides and Skins, and Pieces of Hides and
Skins. But if you refuse or neglect to appear at
the said Time and Place before appointed, we
upon such your Contempt shall then and there
proceed to the Examination of Witneses, and to
give Judgment and Sentence, as if you was per-
sonally present.

And further, we the said Justices do hereby
authorize and require *Robert Saunders*, Officer for
the Duties on Hides, &c. or any other Officer for
the said Duties to serve this our Summons; and
also to attend us at the Time and Place before-
mentioned and appointed, then and there to
make

liams, within three Months now last past, that is to say, on the first Day of *September* now Instant, at the Town of *Bishops Waltham* aforesaid, (the said Town during the said Three Months having been and yet being a Market Town) in a Tann-house, Tann-yard, Pits and Fatts, then and there belonging to and used by him, did Tan and Dress Hides and Skins and Pieces of Hides and Skins chargeable with the said Duties; and that before he then and there so tanned and dressed the said Hides and Skins, and Pieces of Hides and Skins as aforesaid, he the said *John Williams* did not give or send to any Officer or Officers for the said Duties appointed for the said Market-Town (altho' during all the said three Months now last past, and before, such Officer was and yet is there duly appointed and attending) any Notice in Writing of the Name and Place of Abode of him the said *John Williams*, and of the said Tann-house, Tann-yards, Pits and Fatts, so by him used as aforesaid, as by the Statute in such Case made and provided he ought to have done; but did omit and neglect to give or leave such Notice, contrary to the Form of the said Statute, whereby the said *John Williams* hath forfeited Fifty Pounds of lawful Money of *Great-Britain*. And thereupon the said *Thomas Broughton*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have two Thirds of the said Forfeiture, according to the Form of the said Statute and that the said *John Williams* may be summoned to answer the said Premises, and to make his Defence thereto before us the said Justices.

Sum-

A Summons upon the Information next
before.

To Mr. John Williams a Tanner.

County of Southampton, J. YOU are hereby summoned and required by us, A. B. and C. D. Esqrs; two of His present Majesty's Justices of the Peace for the County of Southampton, to be and appear before us on Monday the Two and Twentieth Day of September, now Instant, at ten of the Clock in the Forenoon of the said Day, at the House of William Brown, at the Sign of the George, being an Inn and Publick House in Bishops Waltham in the said County, then and there to answer and make your Defence to an Information exhibited against you by Thomas Broughton, Gent. as well for his said Majesty as for himself, for the Sum of Fifty Pounds by you forfeited, for and by your not giving, sending, or leaving due Notice of a Tann-house, Tann-yard, Pits and Fatts by you used for Tanning of Hides and Skins, and Pieces of Hides and Skins. But if you refuse or neglect to appear at the said Time and Place before appointed, we upon such your Contempt shall then and there proceed to the Examination of Witneses, and to give Judgment and Sentence, as if you was personally present.

And further, we the said Justices do hereby authorize and require Robert Saunders, Officer for the Duties on Hides, &c. or any other Officer for the said Duties to serve this our Summons; and also to attend us at the Time and Place before-mentioned and appointed, then and there to make

Informations and Proceedings

make a Return thereof to us. Given under our Hands at *Bishops Waltham* aforesaid, this tenth Day of *September*, Anno Domini 1718.

An Information against a Tawer (not living in a Market-Town) for not giving Notice of his Yard, Work-house, Pits and Fatts.

County of Oxford, ss. **B**E it Remembred, this Seventh Day of *October*, in the Year of our Lord One thousand seven hundred and eighteen, at *Henley* in the said County of *Oxford*, That *Matthew Terry*, Gent. in his proper Person, as well for His present Majesty King *GEORGE*, as for himself now here, exhibiteth to and before us *A. B.* and *C. D.* two of his said Majesty's Justices of the Peace for the said County of *Oxford*, residing near to the Place where the Forfeiture herein after-mentioned was incurred, an Information and Complaint; and thereby informeth us, That for three Months now last past, and longer, one *Thomas Arnold* of *Shiplake* in the said County of *Oxford* hath been and yet is a Tawer of Hides and Skins, and of Pieces of Hides and Skins, chargeable with the Duties given and granted by the Statutes in such case made; and that he so being such Tawer as aforesaid, he the said *Thomas Arnold* within three Months now last past, that is to say, on the thirtieth Day of *September* now last past, at *Shiplake* aforesaid, in the County of *Oxford* aforesaid, in a Yard, Work-house, Pits and Fatts then and there belonging to and used by him, did Taw and Dress Hides and Skins and Pieces of Hides and Skins chargeable with the said Duties; And that be-

before he then and there so tawed and dressed the said Hides and Skins, and Pieces of Hides and Skins, he the said *Thomas Arnold* did not give or send to any Officer or Officers for the said Duties appointed for the next Market-Town (altho' during all the said three Months, and before, such Officer was and yet is appointed for and attending at the Market-Town next to *Sbiplake* aforesaid) any Notice in Writing of the Name and Place of Abode of him the said *Thomas Arnold*, and of the Yard, Work-house, Pits and Fatts so by him used as aforesaid, as by the Statut' in such Case made and provided he ought to have done; But did omit and neglect to give or leave such Notice, contrary to the Form of the said Statut' whereby the said *Thomas Arnold* hath forfeited Fifty Pounds of lawful Money of *Great Britain*. And thereupon the said *Matthew Terry*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises; and that he may have two thirds of the said Forfeiture, according to the Form of the said Statut' And that the said *Thomas Arnold* may be summoned to answer the Premises, and to make his Defence thereto before us the said Justices.

A Summons upon the Information next before.

County of Oxford, ss. **Y**OU are hereby summoned and required by us, *A. B.* and *C. D.* two of His present Majesty's Justices of the Peace for the County of *Oxford*, to be and appear before us on *Tuesday* the fourteenth Day of *October*, now Instant, at ten of the Clock in the Forenoon of the said Day, at the House of *Richard*

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Edward Dickins, at the Sign of the *Crown*, being an Inn and Publick House in *Henley* in the said County of *Oxford*, then and there to answer and make your Defence to an Information exhibited against you by *Matthew Terry*, Gent. as well for His said Majesty, as for himself, for the Sum of Fifty Pounds by you forfeited, for and by your not giving or leaving due Notice of a Yard, Workhouse, Pits and Fatts by you used for Tawing of Hides and Skins, and Pieces of Hides and Skins; But if you refuse or neglect to appear at the Time and Place before appointed, we upon such your Contempt shall then and there proceed to the Examination of Witnesses, and to give Judgment and Sentence, as if you was personally present.

And further, we the said Justices do hereby authorize and require *William Smith*, Officer for the said Duties on Hides, &c. or any other Officer for the said Duties, to serve this our Summons, and to attend us at the Time and Place before-mentioned and appointed, then and there to make Return thereof to us. Given under our Hands at *Henley* aforesaid, this seventh Day of *October*, Anno Domini 1718.

An Information against a Tannier for making Use of a Place for drying and keeping of Hides, &c. without due Notice thereof.

County of *Lancaster*, ss. **B**E it Remembred, this ninth Day of *October* in the Year of our Lord One thousand seven hundred and eighteen, at *Blackburn* in the said County of *Lancaster*, That *John Hodgson*, Gent. in his pro.

per Person, as well for His present Majesty King GEORGE, as for himself now here exhibiteth to and before us A. B. and C. D. Esqrs; two of His said Majesty's Justices of the Peace for the said County of *Lancaster*, residing near to the Place where the Forfeiture herein after-mentioned was incurred, an Information and Complaint; and thereby informeth us, That for three Months now last past, and longer, one *John Brown* of *Standrod* in the County of *Lancaster* hath been and yet is a Tanner of Hides and Skins, and of Pieces of Hides and Skins chargeable with the Duties given and granted by the Statut' in such Case made and provided; And that he so being such Tanner as aforesaid, he the said *John Brown*, within three Months now last past; that is to say, on the tenth Day of *September*, now last past, at *Standrod* aforesaid, did make use of a private Place for the keeping of Hides and Skins, and of Pieces of Hides and Skins, chargeable with the said Duties, and there did dry and keep Hides and Skins, and Pieces of Hides and Skins, chargeable with the said Duties, the said private place so by him used as aforesaid being other than such whereof he the said *John Brown* had first given Notice to the proper Officer of the said Duties to be the usual Place or Places for his the said *John Brown*'s drying or keeping such Hides or Skins, or Pieces of Hides or Skins; And that by such making use as aforesaid of the said private Place before-mentioned, for the Purpose and Purposes before expressed; he the said *John Brown* His said Majesty of and in the Duties to him payable by the said Statut' for and in Respect of the said Hides and Skins and Pieces of Hides and Skins so dried and kept in the said private Place as aforesaid,

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did then and there endeavour to defraud, contrary to the Form of the said Statute whereby he hath forfeited twenty Pounds of lawful Money of Great Britain; And thereupon the said *John Hodgson*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises; and that he may have one Moiety of the said Forfeiture, according to the Form of the said Statute and that the said *John Brown* may be summoned to answer the Premises, and to make Defence thereto before us the said Justices.

A Summons upon the Information next before.

To Mr. John Brown a Tanner.

County of Lancaster, ss. **Y**OU are hereby summoned and required by us *A. B. and C. D. Esqrs;* two of His present Majesty's Justices of the Peace for the said County of Lancaster, to be and appear before us on *Thursday* the sixteenth Day of *October*, now Instant, at ten of the Clock in the Forenoon of the said Day, at the House of *Ralph Huson* at the Sign of the *King's Head* in *Blackburn* in the said County of Lancaster, being an Inn and Publick House, then and there to answer and make your Defence to an Information exhibited against you, by *John Hodgson*, Gent. as well for His said Majesty, as for himself, for the Sum of Twenty Pounds by you forfeited, for and by your making Use of a private Place for drying and keeping of Hides and Skins, and Pieces of Hides and Skins, without your first giving Notice to the proper Officer for the said Duties of the said private Place so by you used as aforesaid: But if

relating to the Duties on Hides, &c.

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if you refuse or neglect to appear at the Time and Place before appointed, we upon such your Contempt shall then and there proceed to the Examination of Witnesses, and to give Judgment, as if you was personally present.

And further, we do hereby authorize and require *Robert Philips*, Officer of the said Duties, or any other Officer for the said Duties, to serve this our Summons, and to attend us at the Time and Place before appointed, then and there to make Return thereof to us. Given under our Hands at *Blackburn* aforesaid, this Ninth Day of *October*, Anno Domini 1718.

An Information against a Tanner for refusing Entrance to an Officer in the Day Time.

Town of Brecknock, ff. **B**E it Remembred, this first Day of *November* in the Year of our Lord One thousand seven hundred and eighteen, at the Town of *Brecknock*, in the County of *Brecknock*, That *John Burrel*, Gent. in his proper Person, as well for his present Majesty King *GEORGE*, as for himself now here, exhibiteth to and before us, *A. B. and C. D.* Esqrs; two of His said Majesty's Justices of the Peace for the said Town of *Brecknock*, residing near to the Place where the Forfeiture herein after-mentioned was incurred, an Information and Complaint; and thereby informeth us, That for three Months now last past, and longer, one *Nicholas Green* of the Town of *Brecknock* aforesaid hath been and yet is a Tanner of Hides and Skins, and Pieces of Hides and Skins, chargeable with the Duties given and granted

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by the Statut' in such Case made and provided; and an Occupier of a Tann-yard or Work-house in the said Town of *Brecknock*; and that during the said three Months now last past, and longer, one *William Roberts* hath been and yet is an Officer of and for the said Duties, duly constituted and appointed according to the Form of the said Statut'. And that they the said *Nicholas Green* and *William Roberts* so respectively being, he the said *William Roberts* within three Months now last past, that is to say, on the tenth Day of *September* now last past, at a seasonable Time in the Day-time of the said Day, at the said Tann yard and Workhouse of him the said *Nicholas Green*, at the Town of *Brecknock* aforesaid, in the Execution of the said Office of him the said *William Roberts*, did duly request and demand him the said *Nicholas Green* (such Occupyer of the said Tann-yard and Work-house then and there being) to permit him the said *William Roberts* (such Officer then and there being) to enter and go into the said Tann-yard and Work-house aforesaid, to search and see what Quantities of Hides and Skins and Pieces of Hides and Skins were taken out of the Wooze or other Materials for tanning in order to be dried and made fit for Sale or Use. But the said *Nicholas Green* neither did nor would permit him the said *William Roberts* then and there to enter the said Tann-yard and Work-house; but did then and there utterly refuse to permit him so to do, contrary to the Form of the said Statut' whereby the said *Nicholas Green* hath forfeited ten Pounds of lawful Money of *Great Britain*; And thereupon the said *John Burrel*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises: And that he may have two thirds of the said Forfeiture, according

to the Form of the said Statute And that the said *Nicholas Green* may be summoned to answer the Premises, and to make his Defence thereto before us the said Justices.

A Summons on the Information next before.

To Mr. Nicholas Green a Tanner.

Town of Brecknock, ss. **Y**OU are hereby summoned and required by us *A. B.* and *C. D.* Esqrs; two of his present Majesty's Justices of the Peace for the said Town of *Brecknock*, to be and appear before us on *Tuesday* the seventh Day of *November*, now Instant, at ten of the Clock in the Forenoon of the said Day, at the House of *Thomas Cooke*, at the Sign of the *Swan* in the said Town of *Brecknock* in the County of *Brecknock*, being an Inn and Publick House, then and there, to answer and make your Defence to an Information exhibited against you by *John Burrel*, Gent. as well for His said Majesty, as for himself, for the Sum of ten Pounds by you forfeited, for refusing to permit *William Roberts*, an Officer for the Duties on Hides, &c. in the Execution of his Office, to enter into your Tann-yard in order to see and take an Account of your Hides and Skins and Pieces of Hides and Skins taken out of the Wooze, or other Materials for Tanning in order to be dried. But if you refuse or neglect to appear at the Time and Place before appointed, We upon such your Contempt shall then and there proceed to Examination of Witneses, and to give Judgment, as if you was personally present.

And further, we do authorize and require *Richard Wilson*, Officer of the said Duties, or any other Officer for the said Duties, to serve this our Summons, and also to attend us at the Time and Place before appointed, then and there to make Return thereof to us. Given under our Hands at *Brecknock* aforesaid, this first Day of *November*, Anno Domini 1718.

An Information against a Tawer for not giving Notice of the Time of taking out Skins to be dried.

County of Oxford, ss. **B**E it Remembred this third Day of *August*, in the Year of our Lord One thousand seven hundred and nineteen, at *Henley* in the said County of *Oxford*, That *Matthew Terry*, Gent. as well for His present Majesty King *GEORGE*, as for himself now here, exhibiteth to and before us, *A. B.* and *C. D.* Esqrs, two of His said Majesty's Justices of the Peace, residing near to the Place where the Forfeiture herein after-mentioned was incurred, an Information and Complaint; and thereby informeth us, That for three Months now last past, and longer, *William Reynolds* of *Henley* aforesaid hath been and yet is a Tawer of Hides and Skins, and of Pieces of Hides and Skins, chargeable with the Duties given and granted by the Statute in such Case made and provided; and that he so being such Tawer as aforesaid, he the said *William Reynolds* within three Months now last past, that is to say, on the tenth Day of *July* now last past, at *Henley* aforesaid, out of the Materials wherein the Skins herein after-
men-

mentioned, had been tawed and dressed, did take divers Skins, that is to say, nine Dozen and ten Beaver Skins, chargeable with the Duties aforesaid, in order to their being dryed, but did not give or send to the proper Officer for the said Duties such Notice in Writing of the Time when he did take the said Skins out of the said Materials as aforesaid, as by the Statut' in such Case made he ought to have done; And that by not giving or sending such Notice of the said Time when the same were so taken out as aforesaid, he the said *William Reynolds* His said Majesty of the Duties of the said Skins so taken out as aforesaid did then and there endeavour to defraud, contrary to the Form of the said Statut' whereby he hath forfeited twenty Pounds of lawful Money of *Great Britain*; And thereupon the said *Matthew Terry*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises; and that he may have one Moiety of the said Forfeiture, according to the Form of the Statut' in such Case made; and that the said *William Reynolds* may be summoned to answer to and to make his Defence in the said Premises, before us the said Justices.

*A Summons on the Information next
before.*

To Mr. William Reynolds a Tawer.

County of Oxford, ss. **Y**OU are hereby summoned and required by us *A. B. and C. D. Esqrs.* two of His present Majesty's Justices of the Peace for the said County of *Oxford*, to be and appear before us on *Monday*
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the tenth Day of *August*, now Instant, at ten of the Clock in the Forenoon of the said Day, at the House of *John Taylor*, at the Sign of the *Fox* in *Henley*, in the said County of *Oxford*, being an Inn and Publick House, then and there to answer and make your Defence to an Information exhibited against you by *Matthew Terry*, Gent. as well for his said Majesty, as for himself, for the Sum of twenty Pounds by you forfeited, for taking divers Skins out of the Materials in which the same had been tawed, without first giving or sending to the proper Officer for the Duties on Hides due Notice of the Time of your taking the said Skins out of the Materials aforesaid; But if you refuse or neglect to appear at the Time and Place before appointed, we upon such your Contempt shall then and there proceed to the Examination of Witnesses, and to give Judgment, as if you was personally present.

And further, we do authorize and require *Thomas Wilks*, Officer of the said Duties, or any other Officer for the said Duties, to serve this our Summons, and also to attend us at the Time and Place before appointed, then and there to make Return thereof to us. Given under our Hands at *Henley* aforesaid; this third Day of *August*, Anno Domini 1718.

An Information against a Tanner for omitting to make Entries of two Parcels taken out at different Times.

County of South'ton, ff. **BE** it Remembred this fourth Day of *June* in the Year of our Lord One thousand seven hun-

relating to the Duties on Hides, &c.

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hundred and eighteen, at *Bishops Waltham* in the said County of *Southampton*, That *Thomas Broughton*, Gent. in his proper Person, as well for his present Majesty King *GEORGE*, as for himself now here, exhibiteth to and before us *A. B. and C. D. Esqrs.* two of His said Majesty's Justices of the Peace for the said County of *Southampton*, residing near to the Place where the Forfeiture herein after-mentioned was incurred, an Information and Complaint; and thereby informeth us, That for three Months now last past, and longer, at *Bishops Waltham* in the said County of *Southampton*, one *James Hampton* at a Tann-yard then and there belonging to and used by him hath been and yet is a Tanner and Dresser of Hides and Skins, and of Pieces of Hides and Skins, chargeable with the Duties given and granted by the Statut' in such Case made and provided, and that the said *James Hampton* so being there such Tanner as aforesaid, he the said *James Hampton*, at one Time within three Months now last past, that is to say, on the fifteenth Day of *April* now last past, at his Tann-yard aforesaid, at *Bishops Waltham* aforesaid, did take certain Hides and Skins, that is to say, four Hides, and four Skins, out of the Wooze in order to be dryed, and did not make such due Entry thereof as by the said Statut' he ought to have done, and that thereby he the said *James Hampton* His said Majesty of the Duties to him payable by the said Statut' for and in Respect of the said Hides and Skins so as aforesaid taken out of the Wooze then and there did endeavour to defraud, contrary to the Form of the said Statut' whereby he hath forfeited twenty Pounds of lawful Money of *Great Britain*; and the said Informer now here further informeth us, the said

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Second Of-
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Justices, that he the said *James Hampton* so being and continuing to be such Tanner aforesaid, he the said *James Hampton* at one other time within three Months now last past, that is to say, on the seven and twentieth Day of *May* now last past, at his Tann-yard aforesaid, at *Bishops Waltham* aforesaid, did take certain other Hides and Skins, that is to say, ten Hides and Skins, out of the Wooze in order to be dryed, and did not make such due Entry thereof as by the said Statut' he ought to have done, and that thereby he the said *James Hampton* His said Majesty of the Duties to him payable by the said Statut' for and in Respect of the said last mentioned Hides and Skins so as aforesaid taken out of the Wooze then and there did endeavour to defraud, contrary to the Form of the said Statut' whereby he hath forfeited twenty Pounds more of like lawful Money; and thereupon the said *Thomas Broughton*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeitures, according to the Form of the said Statut' and that the said *James Hampton* may be summoned to answer the Premises, and to make his Defence thereto before us the said Justices.

A Summons on the Information next before.

To Mr. James Hampton a Tanner:

County of South'ton, ss. YOU are hereby summoned and required by us *A. B. and C. D.* Two of his present Majesty's

jesty's Justices of the Peace for the County of *Southampton*, to be and appear before us, on *Saturday* the eleventh Day of *June*, now Instant, at ten of the Clock in the Forenoon of the said Day, at the House of *George Walker*, at the Sign of the *Crown* in *Bishops Waltham* in the said County of *Southampton*, being an Inn and Publick House, then and there to answer and make your Defence to an Information exhibited against you by *Thomas Broughton*, Gent. as well for His said Majesty, as for himself, for the Sum of Forty Pounds by you forfeited, for not making due Entries of two different Parcels of Hides and Skins at two different Times taken out of the Wooze in order to be dryed; but if you refuse or neglect to appear at the Time and Place before appointed, we upon such your Contempt shall then and there proceed to the Examination of Witnesses, and to give Judgment, as if you was personally present.

And further, we do authorize and require *James Watts*, Officer of the said Duties, or any other Officer for the said Duties, to serve this our Summons, and also to attend us at the Time and Place before appointed, then and there to make Return thereof to us. Given under our Hands at *Bishops Waltham*, this fourth Day of *June*, Anno Domini 1718.

*An Information against a Tanner for hiding
and concealing Hides and Skins.*

County of Hertford, ss. **B**E it Remembred, this fourth Day of *July*, in the Year of our Lord One thousand seven hundred and nineteen, at *Watford* in the said County

ty of *Hertford*, That *Philip Bamford*, Gent. in his proper Person, as well for His present Majesty King *GEORGE*, as for himself now here, exhibiteth to and before us *A. B.* and *C. D.* Esqrs; Two of his said Majesty's Justices of the Peace for the said County of *Hertford*, residing near to the Place where the Forfeiture herein after-mentioned was incurred, an Information and Complaint; and thereby informeth us, That for three Months now last past, and longer, *George Watkins* of *Watford* aforesaid hath been and yet is a Tanner of Hides and Skins, and of Pieces of Hides and Skins, chargeable with the Duties given and granted by the Statut' in such Case made and provided, and that he so being such Tanner as aforesaid, he the said *George Watkins* within three Months now last past, that is to say, on the fourth Day of *June* now last past, at *Watford* aforesaid, to the Intent to deceive his said Majesty of his just Duties of the Hides and Skins herein after-mentioned, did fraudulently hide and conceal, and did cause to be hid and concealed, Hides and Skins, that is to say, seven Hides and three Dozen of Skins, which were chargeable with the said Duties; and that by the said hiding and concealing thereof, he the said *George Watkins* His said Majesty of and in the Duties to him payable by the said Statut' for and in Respect of the said Hides and Skins so hid and concealed as aforesaid did then and there endeavour to defraud, contrary to the Form of the said Statut' whereby the said *George Watkins* hath forfeited twenty Pounds of lawful Money of *Great Britain*; and thereupon the said *Philip Bamford*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises; and that he may have

have one Moiety of the said Forfeiture; and that the said *George Watkins* may be summoned to answer the Premises, and to make his Defence thereto before us the said Justices.

A Summons on the Information next before.

To Mr. George Watkins a Tanner.

County of Hertford, ss. **Y**OU are hereby summoned and required by us *A. B. and C. D. Esqrs;* Two of his present Majesty's Justices of the Peace for the said County of Hertford, to be and appear before us on Monday the eleventh Day of July, now instant, at Ten of the Clock in the Forenoon of the said Day, at the House of *James Pitt*, at the Sign of the *White Hart* in *Watford* in the said County of Hertford, being an Inn and Publick House, then and there to answer and make Defence to an Information exhibited against you by *Philip Bamford*, Gent. as well for his said Majesty, as for himself, for the Sum of Twenty Pounds by you forfeited, for hiding and concealing a Parcel of Hides and Skins; But if you refuse or neglect to appear at the Time and Place before appointed, we upon such Contempt shall then and there proceed to the Examination of Witnesses, and to give Judgment, as if you was personally present. And further, we do authorize and require *Thomas Ash*, Officer of the said Duties, or any other Officer for the said Duties to serve this our Summons, and also to attend us at the Time and Place before appointed, then and there to make Return thereof to us. Given under

Informations and Proceedings

der our Hands at *Watford* aforesaid, this fourth Day of *July*, *Anno Domini* 1719.

An Information against a Tanner for Non-payment for Hides and Skins, and Pieces of Hides and Skins.

County of South'ton, ss. **B**E it Remembred this Twenty fifth Day of *August* in the Year of our Lord One thousand seven hundred and eighteen, at *Bishops Waltham* in the said County of *Southampton*, That *Thomas Broughton*, Gent. in his proper Person, for and on the behalf of His present Majesty King *GEORGE*, doth now here exhibit to and before us, *A. B.* and *C. D.* Two of his said Majesty's Justices of the Peace for the County aforesaid, residing near to the Place where the Forfeiture herein after-mentioned was incurred, an Information and Complaint; and thereby informeth us, That between the One and thirtieth Day of *May*, and the Seventh Day of *June*, both now last past, at *Bishops Waltham* aforesaid, in the said County of *Southampton*, certain Hides and Skins, that is to say, One thousand seven hundred and nine Pounds Weight *Averdupois* of Hides and Skins, and also certain Pieces of Hides and Skins, that is to say, so many Pieces of Hides and Skins as were there duly valued at and were worth fifty six Shillings and six Pence, to be sold at the next Market-Town (which Hides and Skins, and Pieces of Hides and Skins, had before that Time been tanned by *James Hampton* a Tanner) were duly marked and stamped with a Mark and Stamp to denote the charging thereon certain Rates, Duties, and Sums of Money given and granted by

by the Statutes in such Case made; and that according to the Form of the said Statute he the said *James Hampton* within six Weeks next after the said marking and stamping thereof ought to have paid off and discharged the said Rates and Duties thereupon and thereby due to his said Majesty, amounting to the Sum of twelve Pounds fifteen Shillings and three Pence of lawful Money of Great Britain; but hath not so done, but hath omitted and neglected to pay off and discharge the said Rates and Duties contrary to the Form of the said Statute whereby he hath forfeited double the Sum of the said Duties so neglected to be paid, that is to say, Twenty five Pounds ten Shillings and six Pence of like Money; and thereupon the said *Thomas Broughton*, on the behalf of his said Majesty, humbly prays the Judgment of us the said Justices in the Premises; and that the said *James Hampton* may be summoned to Answer the said Premises, and to make his Defence thereto before us the said Justices.

A Summons on the Information next before.

To Mr. John Hampton a Tanner.

County of South'ton. *ss.* **Y**OU are hereby summoned and required by us, *A. B.* and *C. D.* Esqrs; Two of his present Majesty's Justices of the Peace for the said County of *Southampton*, to be and appear before us on *Tuesday* the third Day of *September* next, at ten of the Clock in the Forenoon of the said Day, at the House of *James Hart*, at the Sign of the *King's-Head* in *Bishops Waltham* in the said County

Informations and Proceedings

of *Southampton*, being an Inn and Publick House, then and there to answer and make your Defence to an Information exhibited against you by *Thomas Braughton*, Gent. on the behalf of his present Majesty King *GEORGE*, for the Sum of Twenty five Pounds ten Shillings and six Pence by you forfeited, for omitting and neglecting within due Time to pay off and discharge the Duties of a Parcel of Hides and of Pieces of Hides and Skins by you Tanned: But if you refuse or neglect to appear at the Time and Place before appointed, we upon such your Contempt shall then and there proceed to the Examination of Witnesses, and to give Judgment, as if you was personally present.

And further, we do authorize and require *Jacob Saunders*, Officer of the said Duties, or any other Officer of the said Duties, to serve this our Summons; and also to attend us at the Time and Place before appointed, then and there to make Return thereof to us. Given under our Hands at *Bishops Waltham* aforesaid, this twenty fifth Day of *August*, Anno Domini 1718.

An Information against a Tanner for not keeping just Scales and Weights.

County of South'ton, *ss.* **B**E it Remembred this tenth Day of *September*, in the Year of our Lord One thousand seven hundred and eighteen, at *Bishops Waltham* in the said County of *Southampton*, That *Thomas Braughton*, Gent. in his proper Person, as well for his present Majesty King *GEORGE*, as for himself now here, exhibireth to and before us

A. B.

A. B. and C. D. Esqrs. Two of his said Majesty's Justices of the Peace for the said County of *Southampton*, residing near to the Place where the Forfeiture herein after-mentioned was incurred, an Information and Complaint, and thereby informeth us, That for three Months now last past, and longer, at *Bishops Waltham* in the said County of *Southampton*, one *James Hampton* hath been and yet is a Tanner and Dresser of Hides and Skins, and of Pieces of Hides and Skins, chargeable with the Duties given and granted by the Statut^r in such Case made and provided; and that the said *James Hampton* so being there such Tanner as aforesaid, he the said *James Hampton* within three Months now last past, that is to say, on the Twelfth Day of *August* now last past, at *Bishops Waltham* aforesaid, at a Tann-yard, then and there belonging to and used by him, had Tanned several Hides and Skins, and Pieces of Hides and Skins, which by the said Statut^r were chargeable with the Duties before-mentioned, according and in Proportion to the Weight of the said Hides and Skins, but the said *James Hampton* the Statut^r in such Case made in no Wise regarding or considering, did not either at his said Tann-yard or at any other Place or Places by him there used for drying his Hides and Skins provide, and keep just Scales and Weights for the weighing his Hides and Skins there tanned and dressed, as by the said Statut^r he ought to have done; but for the weighing his Hides and Skins there tanned and dressed did then and there keep false Scales and Weights, contrary to the Form of the said Statut^r whereby he hath forfeited Fifty Pounds; And thereupon the said *Thomas Broughton*, who as well, &c. humbly prays the Judg-

ment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the said Statute. And that the said *James Hampton* may be summoned to answer the said Premises, and to make his Defence thereto before us the said Justices.

A Summons on the Information next before.

To Mr. James Hampton a Tanner.

County of South'ton, ss. **Y**OU are hereby summoned and required by us *A. B. and C. D. Esqrs;* Two of his present Majesty's Justices of the Peace for the said County of *Southampton*, to be and appear before us, on *Friday* the seventeenth Day of *September* Instant, at ten of the Clock in the Forenoon of the said Day, at the House of *Thomas Cox*, at the Sign of the *Black Lion* in *Bishops Waltham* in the said County of *Southampton*, being an Inn and Publick House, then and there to answer and make your Defence to an Information exhibited against you by *Thomas Broughon*, Gent. as well for his said Majesty, as for himself, for the Sum of Fifty Pounds by you forfeited, for not providing and keeping at your Tann-yard, or at any other Place or Places by you used for drying your Hides and Skins, just Scales and Weights for the weighing your Hides and Skins there tanned and dressed; but if you refuse or neglect to appear at the Time and Place before appointed, we upon such your Contempt shall then and there proceed to the Examination of Witnesses, and to give Judgment, as if you was personally present.

And

And further, we do authorize and require *William Simpson*, Officer of the said Duties, or any other Officer for the said Duties, to serve this our Summons, and also to attend us at the Time and Place before appointed, then and there to make Return thereof to us. Given under our Hands at *Bishops Waltham* aforesaid, this tenth Day of September, Anno Domini 1718.

An Information against a Tanner for refusing to permit and assist an Officer in weighing his Hides.

Gloucestershire, ss. **B**E it Remembred this Fourth Day of *October* in the Year of our Lord One thousand seven hundred and eighteen, at *Tewkesbury* in the said County of *Gloucester*, That *Francis Davies*, Gent. in his proper Person, as well for his present Majesty King *GEORGE*, as for himself now here, exhibiteth to and before us *A. B. and C. D.* Esqrs; Two of his said Majesty's Justices of the Peace for the said County of *Gloucester*, residing near to the Place where the Forfeiture herein after-mentioned was incurred, an Information and Complaint; and thereby informeth us, That for three Months now last past, and longer, one *Walter Warlow* hath been and yet is a Supervisor and Officer of the Duties given and granted upon Hides, &c. in and by the Statute in such Case made; and that one *Thomas Cox*, for three Months now last past, and longer, hath been and yet is a Tanner of Hides and Skins, and Pieces of Hides and Skins, chargeable with the said Duties; And that within and during the

B b 3

Time

Time of the said *Walter Warlow's* being such Officer as aforesaid, and of the said *Thomas Cox's* being such Tanner as aforesaid, and within three Months now last past, that is to say, on the ninth Day of *September* now last past, at the Tann-yard of the said *Thomas Cox* in *Tewkesbury* in the said County of *Glocester*, he the said *Walter Warlow* did request and desire him the said *Thomas Cox* to permit him the said *Walter Warlow* (such Officer then and there being) then and there to weigh six Hides, which before that Time had been there tanned by him the said *Thomas Cox*, and which by the Statut' in such Case ought to be weighed, and also to assist him the said *Walter Warlow* at the weighing thereof; but that the said *Thomas Cox* neither did nor would permit the said *Walter Warlow* (such Officer then and there being) then and there to weigh the said Hides; and neither did nor would assist him the said *Walter Warlow* (such Officer then and there being) at the weighing thereof; but did then and there totally and absolutely refuse to permit him the said *Walter Warlow* then and there to weigh the said Hides, and then and there to assist him at the weighing thereof, contrary to the Form of the Statut' in such Case made and provided, whereby the said *Thomas Cox* hath forfeited Fifty Pounds of lawful Money of *Great-Britain*; And thereupon the said *Francis Davies*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the said Statut' and that the said *Thomas Cox* may be summoned to answer the said Premises, and make his Defence there-to before us the said Justices.

*A Summons upon the Information next
before.*

To Mr. Thomas Cox a Tanner.

Gloucestershire, ss. **Y**OU are hereby summoned and required by us, *A. B. and C. D. Esqrs;* two of His present Majesty's Justices of the Peace for the said County of *Gloucester*, to be and appear before us on *Monday* the Eleventh Day of *October* Instant, at Ten of the Clock in the Forenoon of the said Day, at the House of *John Wilfon* at the Sign of the Crown in *Tewkesbury*, in the said County of *Gloucester*, being an Inn and Publick House, then and there to answer and make your Defence to an Information exhibited against you by *Francis Davies* Gent. as well for his said Majesty, as for himself, for the Sum of Fifty Pounds by you forfeited, for refusing to permit *Walter Warlow* to weigh a Parcel of your Hides; and also for refusing to assist him at the weighing thereof; But if you refuse or neglect to appear at the Time and Place before appointed, we upon such your Contempt shall then and there proceed to the Examination of Witnesses, and to give Judgment, as if you was personally present.

And further, we do authorize and require *James Truby*, Officer of the said Duties, or any other Officer for the said Duties, to serve this our Summons; and also to attend us at the Time and Place before appointed, then and there to make Return thereof to us. Given

under our Hands at Tewkesbury aforesaid, this fourth Day of October, Anno Domini 1718.

An Information against a Tanner for removing and conveying from his Yard Skins before charged and marked to denote the charging the Duty.

County of Lancaster ff. **B**E it Remember'd this Fourth Day of July, in the Year of our Lord One thousand seven hundred and eighteen, at *Clithero* in the said County of *Lancaster*, That *John Hodgson*, Gent. in his proper Person, as well for his present Majesty King *GEORGE* as for himself, now here exhibiteth to us *A. B.* and *C. D.* Esqrs. Two of his said Majesty's Justices of the Peace for the said County of *Lancaster*, residing near to the Place where the Forfeiture herein after-mention'd was incurred, an Information and Complaint, and thereby informeth us, That at a Tann-yard and drying Place in *Clithero* in the said County of *Lancaster*, belonging to and used by one *John Lawson*, he the said *John Lawson* for three Months now last past, and longer, hath been and yet is a Tanner of Hides and Skins, and of Pieces of Hides and Skins chargeable with the Duties given and granted by the Statut' in such Case lately made; and that he being such Tanner as aforesaid, he the said *John Lawson*, within three Months now last past, that is to say, on the first Day of *June* now last past, did remove and convey, and did cause and procure to be removed and conveyed away from his said Tann-yard, and drying Place in *Clithero* aforesaid, certain Skins, that is to say, four Calf
Skins

Skins which had been there tanned and dressed, and were chargeable with the said Duties, before the said Duties payable for the said Skins so removed and conveyed away were duly charged, as by the said Statut' is directed, and before the said Skins so removed and conveyed away were duly marked to denote the charging of the said Duties thereupon, as by the said Statut' is in such Case directed, contrary to the Form of the said Statut' whereby he hath forfeited Fifty Pounds of lawful Money of Great Britain; and thereupon the said *John Hodgson*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture; according to the Form of the said Statut' and that the said *John Lawson* may be summoned to answer the Premises, and to make his Defence thereto before us the said Justices.

A Summons upon the Information next before.

To Mr. John Lawson.

County of Lancaster, *ss.* **Y**OU are hereby summoned and required by us *A. B.* and *C. D.* Two of his present Majesty's Justices of the Peace for the said County of Lancaster, to be and appear before us on *Wednesday* the Tenth Day of *July*, now Instant, at Ten of the Clock in the Forenoon of the same Day, at the House of *James West*, at the Sign of the *Sun* in *Clithero* in the said County of Lancaster, being an Inn and Publick House, then and there to answer and make your Defence to an Information exhibited

hibited against you by *John Hodgson*, Gent. as well for his said Majesty, as for himself, for the Sum of Fifty Pounds by you forfeited, for conveying and causing and procuring to be conveyed away from your Yard and drying Place a Parcel of Skins, before the Duty payable for the same was duly charged, and before the same were duly marked to denote the charging of the Duty on the said Skins so conveyed away, as by the Statut' is in such Case directed; But if you refuse or neglect to appear at the Time and Place before appointed, we upon such your Contempt shall then and there proceed to the Examination of Witnesses, and to give Judgment, as if you was personally present.

And further, we do authorize and require *Peter Simms*, Officer of the said Duties, or any other Officer for the said Duties, to serve this our Summons, and to attend us at the Time and Place before appointed, then and there to make Return thereof to us. Given under our Hands at *Clithero* aforesaid, this fourth Day of July, Anno Domini 1718.

Against a Buyer of and Contractor for Skins removing them from the Tanner's Yard before duly marked.

County of South'ton. *ss.* **B**E it Remembred this Fourteenth Day of February in the Year of our Lord One thousand seven hundred and eighteen, at *Bishops Walibam* in the said County of *Southampton*,
That

That *Thomas Broughton*, Gent. in his proper Person, as well for his present Majesty King GEORGE, as for himself now here, exhibiteth to and before us *A. B.* and *C. D.* Esqrs; two of his said Majesty's Justices of the Peace for the said County of *Southampton*, residing near to the Place where the Forfeiture herein after-mentioned was incurred, an Information and Complaint; and thereby informeth us, That one *Thomas Wilkinson* of *Bishops Walsbam* in the said County of *Southampton*, Glover, being (as in Fact he was) the Buyer of, and Contractor for Skins, that is to say, five Sheep Skins which had been tanned, tawed, and dressed, and were chargeable with the Duties given and granted by the Statutes in such Case lately made, he the said *Thomas Wilkinson*, within three Months now last past, that is to say, on the tenth Day of *January* now last past, at *Bishops Walsbam* aforesaid, the said Skins before the same were duly marked with the Stamp or Mark duly provided for the marking such Skins, to denote the charging the said Duties thereon, from the Yard and Place where the same had been tanned, tawed, and dressed, did take and carry away, and did cause and procure to be taken and carried away, contrary to the Form of the said Statut' in such Case made and provided, whereby the said *Thomas Wilkinson* hath forfeited Fifty Pounds of lawful Money of *Great-Britain*; and thereupon the said *Thomas Broughton*, who as well, &c. humbly prays the Judgment of us the said Justices in the Premises, and that he may have one Moiety of the said Forfeiture, according to the Form of the said Statut' and that the said *Thomas Wilkinson* may be summoned to answer

swer the Premises, and to make his Defence therein and thereto before us the said Justices.

A Summons on the Information next before.

To Mr. Thomas Wilkinfon.

County of South'ton, ss. **Y**OU are hereby summoned and required by us *A. B. and C. D. Esqrs;* Two of his present Majesty's Justices of the Peace for the said County of *Southampton*, to be and appear before us on *Tuesday* the Twenty first Day of *February*, now Instant, at Ten of the Clock in the Forenoon of the said Day, at the House of *John Price*, at the Sign of the *White Lion*, being an Inn and Publick House, at *Bishops Walrham* in the said County of *Southampton*, then and there to answer and make your Defence to an Information exhibited against you by *Thomas Broughton*, Gent. as well for His said Majesty, as for himself, for the Sum of Fifty Pounds by you forfeited, for taking and carrying away several Skins tanned, tawed and dressed, from the Yard where the same had been so tanned, tawed, and dressed, before the Duties had been duly charged thereon, and before the said Skins had been duly marked to denote the charging the said Duties; But if you refuse or neglect to appear at the said Time and Place before appointed, we upon such your Contempt shall then and there proceed to the Examination of Witnesses, and to give Judgment and Sentence, as if you was personally present.

And

relating to the Duties on Hides, &c. 381

And further, we the said Justices do hereby authorize and require *William Jefferys*, Officer for the said Duties, or any other Officer for the said Duties, to serve this our Summons, and also to attend us at the Time and Place before-mentioned and appointed, then and there to make Return thereof to us. Given under our Hands at *Bishops Waltham* aforesaid, this fourteenth Day of February, Anno Domini 1719.

Note, Informations against the Buyers of Unstamped Hides or Skins, &c. are to be laid in the Counties where such Unstamped Hides or Skins happen to be found.



DIREC-

FORMS

DIRECTIONS

CONCERNING

Hides and Skins forfeited.

IN the Act for Duties on Hides, &c. are several Clauses whereby Hides and Skins, and also Pecuniary Penalties, are forfeited; in most of which Cases it will be better to proceed before Justices of the Peace for the Pecuniary Penalties, rather than upon Seizures of the Hides and Skins; because tho' the Justices of the Peace are fully impower'd to hear and determine concerning the Pecuniary Penalties, yet they cannot condemn the Hides and Skins; but those, if condemned at all, must be condemned in the Court of Exchequer, where the Proceedings are more chargeable than before Justices of the Peace.

But if ~~seized~~ Hides and Skins being of considerable Value ~~shall be~~ found in the Hands of Persons of little or no Substance, in ~~may~~ sometimes in such particular Cases be ~~advisable~~ to proceed against such Hides and Skins: Or if forfeited Hides and Skins are for the present only secured, and if Judgment for the Pecuniary Penalty is forthwith obtained; then by Virtue of the Warrant on such Judgment, such Hides and Skins may be seized, and after the Expiration of six Days after such seizing, by Virtue of such Warrant, such Hides and Skins, or so much thereof ~~as shall be~~ necessary, may be sold, for raising such Sums as such Warrant is for.

FORMS

Forms of JUDGMENTS

O N

INFORMATIONS

Against Tanners, Tawers, &c. and of Warrants on such Judgments.

THE Defendants in these Informations, viz. *Judgments to be*
the Tanners, Tawers, &c. having been du- *different,*
ly summoned, may thereupon Act variously, *so as to suit*
viz. some may appear and confess the Facts *each Case.*
charged upon them; others, tho' duly summon-
ed, may refuse or neglect to appear at the Time
and Place appointed; and others appearing at
the Time and Place appointed, may Plead that
they are not Guilty of the Facts and Matters
charged upon them in and by the Information.
In which several Cases the Forms of the Judg-
ments must be different, so as to suit and agree
with each particular Case, and ought to be
drawn and entered according as the Defendant
in each particular Case shall act and behave.

If the Defendant appeareth and confesseth the Fact and Offence charged upon him, then the Judgment may be thus, viz.

Judgment where the Defendant Appears and Confesses, and where the Penalty is mitigated.

AT the Time and Place appointed by our Summons on the Information hereunto annexed, that is to say, this sixteenth Day of October, Anno Domini 1718. at Blackburn in the County of Lancaster, here come before us, as well the Informer, as also the Defendant in the said Information named, and the said Information being now here read to the said Defendant, and he being fully acquainted with the Contents thereof, he now doth here voluntary Confess that he is guilty of the Fact and Offence in the said Information mentioned, in Manner and Form as the same is therein and thereby set forth. Upon which said voluntary Confession of the said Defendant, we the said Justices do convict him of the Fact and Offence in the said Information mentioned, in Manner and Form as the same is therein and thereby expressed. It is therefore now here considered, adjudged, and determined by us the said Justices, that the said Defendant, for and by reason of the Premises in the said Information mentioned, whereof he is now convicted as aforesaid, hath forfeited the Sum of twenty Pounds in the said Information mentioned, which we mitigate and lessen to the Sum of seven Pounds of like Money; whereof five Pounds is for the † fourth part of the Penalty to be distributed

† Note, If the Justices mitigate so low as a 4th part, they by the express Words of the Act must allow for Cost and Charges, over and besides the said 4th part.

buted as by the said Statut' is directed, and the other forty Shillings is for the Cost and Charges of the Officer and Officers, as well in making the Discovery, as also in the Prosecution of the Offence in the said Information mentioned. Given under our Hands at *Blackburn* aforesaid, this sixteenth Day of *October*, *Anno Domini* 1718.

If the Justices don't think fit to mitigate the Penalty, all that is before mentioned about the Mitigation must then be omitted, and then the Judgment will be thus.

IT is therefore now here considered, adjudg-^{Th: like}
ed, and determined by us the said Justices,^{where}
that the said Defendant, for and by Reason of^{there is no}
the Premises in the said Information mentioned,^{Mitiga-}
whereof he is now convicted as aforesaid, hath^{tion.}
forfeited the Sum of twenty Pounds of lawful
Money of *Great Britain* to be distributed as by
the said Statut' in such Case is directed. Given
under our Hands at *Blackburn* aforesaid, this
sixteenth Day of *October*, *Anno Domini* 1718.

If the Defendant appeareth, and pleaderth that he is not guilty of the Offence in the Information mentioned, and if upon examining the Witnesses, the Justices do convict him, the Judgment may then be thus.

*Judgment
where the
Defendant
Appears
and
Pleads.*

AT the Time and Place appointed by our Summons on the Information hereunto annexed, that is to say, on the seventh Day of November, Anno Domini 1718, at the Town of Brecknock, in the County of Brecknock, here come before us, as well the Informer, as also the Defendant in the said Information named; and the said Information being now here read to the said Defendant, and he being now here fully acquainted with the Contents thereof, he doth now here plead, that he is not guilty of the Fact and Offence in the said Information mentioned, in Manner and Form as the same is therein and thereby set forth: But it now here appearing unto us, upon and by the Oaths of Witnesses now here duly sworn and examined by and before us, that the said Defendant is guilty of the Fact and Offence in the Information, in Manner and Form as the same is therein and thereby set forth, We do convict him thereof. It is therefore now here considered, adjudged, and determined by us the said Justices, That the said Defendant, for and by reason of the Premises in the said Information mentioned, whereof he now is convicted as aforesaid, hath forfeited twenty Pounds of lawful Money of Great Britain, which we
miti-

mitigate and lessen to the Sum of Twelve ^{Mitigation?} Pounds ten Shillings of like Money; whereof ten Pounds being for the Forfeiture is to be distributed as by the said Statut' is directed, and the remaining fifty Shillings is for the Cost and Charges of the Officer and Officers, as well in making the Discovery, as also in the Prosecution of the Offence in the said Information mentioned. Given under our Hands at Brecknock afore said, this seventh Day of November, Anno Domini 1718.

If there be no Mitigation, then the Judgment must be according to the Precedent before for that purpose.

If the Defendant doth not appear, then upon Proof of his having been duly summoned, and also upon Proof of the Fact and Offence in the Information mentioned, the Judgment may be thus.

AT the Time and Place appointed by our Summons on the Information hereunto annexed, that is to say, on the Tenth Day of ^{Judgment} August, Anno Domini 1719, at Henley in the ^{against a} County of Oxford, here cometh before us ^{Defendant} the said Informer, but not the said Defendant; but Proof being now here duly made before us upon Oath, that the said Defendant hath had due Notice of the said Information, and was duly summoned to appear before us at this Time and Place, to answer and make his Defence to the said Information; We the said Justices, upon the said Defendant's Contempt in not appearing according ^{who doth not appear.}

Judgments on Informations

to the said Summons, do now here proceed to the Examination of Witnesses upon their Oaths, now here duly sworn by and before us, touching the Fact and Offence in the said Information mentioned; and the same being now here fully proved before us upon and by Oaths of Witnesses, now here duly sworn as aforeaid, we do convict the said Defendant of the Fact and Offence in the said Information mentioned. It is therefore now here considered, adjudged, and determined by us the said Justices, That the said Defendant, for and by reason of the Premises in the said Information mentioned, whereof he is now convicted as aforeaid, hath forfeited the Sum of Twenty Pounds of lawful Money of Great Britain, to be distributed as by the Statut^r in such case is directed. Given under our Hands at Henley aforeaid, this Tenth Day of August, Anno Domini 1719.

If the Justices think fit to make a Mitigation, then for the Form thereof see the Precedents before.

A Judgment upon an Information for two Offences, where the Defendant is convicted of one, and acquitted of the other of the said Offences.

*Judgment
on an Infor-
mation for
two Of-
fences
where the
Defendant
is convicted
of one, and
acquitted of
the other.*

AT the Time and Place appointed by our Summons on the Information hereunto annexed, that is to say, on the Eleventh Day of June 1718, at Bishops Waltham in the County of Southampton, here come before us as well the said Informer, as also the Defendant in the said Infor-

for-

formation named, who having now here heard the same Information read to him, and being fully informed of the Contents thereof, doth now here plead, that he is not guilty of the Premises in the said Information mentioned, in Manner and Form as the same are therein and thereby set forth; but it now appearing unto us upon and by the Oaths of Witnesses, now here duly sworn and examined by and before us, that the said Defendant is guilty of the Offence first mentioned in the said Information, in Manner and Form as the same is therein and thereby expressed, we do therefore convict him of that Offence. It is now therefore here consider'd, adjudged, and determined by us the said Justices, that the said Defendant, for and by reason of the said first mentioned Offence, whereof he is now convicted as aforesaid, hath forfeited Twenty Pounds of lawful Money of *Great Britain*, to be distributed as by the said Statut' in such Case is directed. But the Evidence and Proof now here produced and given before us of the second Offence mentioned in the said Information, not appearing to us to be full and sufficient. We the said Justices do therefore acquit the said Defendant of that Offence. Given under our Hands at *Bishops Waltham* aforesaid, this Tenth Day of *June*, Anno Domini 1718.

Guilty of the first Offence.

Judgment on the first Offence.

Acquitted of the second Offence.

If the Justices think fit to Mitigate the Forfeiture whereof the Defendant is convicted, see for the Form thereof in the Precedents before.

*A Warrant on a Judgment against a
Tanner.*

*A Warrant
for levying
where the
Penalty is
mitigated.*

To Mr. John Thompson, and Mr. William Smith, Officers for the Duties on Hides, &c. and to either of them, and to such other Person or Persons as they or either of them shall take to their Assistance in the due Execution of this Warrant.

County of South'ron, ss. **W**HEREAS upon an Information exhibited before us, whose Hands and Seals are hereunto set, Two of his present Majesty's Justices of the Peace for the said County of Southampton, by Thomas Broughton, Gent. as well for his said Majesty, as for himself, against John Williams of Bishops Waltham in the County of Southampton, Tanner, We have adjudged the said John Williams for the Offence mentioned in the said Information to have forfeited fifty Pounds of lawful Money of Great Britain, which we have mitigated and lessened to Twenty eight Pounds of like Money, whereof Twenty five Pounds is for the Forfeiture and Offence in the said Information mentioned, and the remaining three Pounds is for the Costs and Charges of the Discovery and Prosecution for the said Offence: Now we the said Justices do in his Majesty's Name hereby authorize, command, and require you, and every or any of you jointly or severally, that for the levying the
said

said Twenty eight Pounds, you do seize, take, and carry away the Goods and Chattels of the said *John Williams*; and if within Six Days next after the Day of such seizing thereof the same shall not be redeemed, that then after the full Expiration of such Six Days you do make Sale thereof, or of so much thereof as shall be sufficient to raise the said Twenty eight Pounds, which you are forthwith to pay to the said *Thomas Broughton*, who is to apply the said three Pounds, part thereof, for paying and discharging the said Costs and Charges before-mentioned; and is to distribute the remaining Twenty five Pounds, as by the Statut' is in such Case directed; and if after levying the said Twenty eight Pounds any Overplus doth remain of such Goods, or Chattels as shall be so seized by Virtue hereof, or of the Money arising by Sale thereof, you in such Case are to render such Overplus to the said *John Williams*. And all Constables, Headboroughs, and other his Majesty's Officers are hereby required to be aiding and assisting to you in the due Execution hereof. Given under our Hands and Seals at *Bishops Waltham* in the said County of *Southampton*, this Two and twentieth Day of September, Anno Domini 1718.

These Warrants must be for seizing, &c. the Goods without particularly mentioning the Utensils, &c.

Note. the Goods must not be sold on the 6th Day, but may be sold on the 7th Day, exclusive of the Day of seizing, or on any Day after.

If there is no Mitigation, then thus,
viz.

WHereas, &c. (as next before) to have forfeited Fifty Pounds, now we the said Justices do in his said Majesty's Name hereby authorize, command, and require you, every or any of you, that for the levying the said Fifty Pounds

A Warrant for levying where the Penalty is not mitigated.

you do seize, take, and carry away the Goods and Chattels of the said *John Williams*; and if within six Days next after the Day of such seizing thereof the same shall not be redeemed, that in such Case after the full Expiration of the said six Days you do make Sale thereof, or of so much thereof as shall be sufficient to raise the said Fifty Pounds, which you are forthwith to pay to the said *Thomas Broughton*, to be by him distributed as by the Statut' in such Case made is directed and appointed; and if after levying the said Fifty Pounds any Overplus, &c. (as in the *Precedent next before*.)



OF

O F
A P P E A L S
 T O T H E
Q U A R T E R S E S S I O N S

*Against Judgments given by particular
 Justices of the Peace on Proceedings
 before them relating to the Duties
 on Hides.*

THE Clause in the Act of the 9th Year of the Reign of the late Queen Anne, for laying Duties upon Hides, whereby either Party hath Liberty to Appeal from Judgments given by Justices of the Peace upon Informations exhibited before them for Offences against the said Act, in these Words, *viz.*

“ And if either Party shall find himself agrie-
 “ ved, or remain unsatisfied in the Judgment of
 “ the said Justices, Then he or they shall and
 “ may, by Virtue of this Act, complain or Ap-
 “ peal to the Justices of Peace at the next Ge-
 “ neral Quarter Sessions for that County, Rid-
 “ ing, or Place; who are hereby impowered to
 “ Sum-

“ Summon and Examine Witnesses upon Oath,
 “ and finally to hear and determine the same,
 “ and in case of Conviction to Issue Warrants
 “ for levying the Penalties as aforesaid.

This Clause does not direct, nor so much as seem to imply, that the Parliament ever intended or designed, that upon Appeals of this kind the Justices at their Quarter Sessions should enter into critical Scanning or Examination of the Forms or Wording of the Proceedings before the particular Justices, from whose Judgments such Appeals are made. Had the Parliament had any such View or Design, they certainly would have intimated such their Intent by some proper Expressions, but here are not any Words or Expressions, tending that way; but on the contrary what the Justices at the Quarter Sessions are upon such Appeals to do, is expressed in these plain Words, *viz.* They are impowered to Summon and Examine Witnesses upon Oath, and finally to hear and determine What? Why surely such Fact or Facts as are in Question between the Informer and the Defendant, and of which the Witness or Witnesses can depose upon Oath; but it would be very extraordinary to imagine or suppose, that if at the Quarter Sessions the Justices were to proceed upon critical Exceptions to the Forms and Wording of the Proceedings, there could be any Occasion to summon Witnesses; or that they should be examined upon Oath, touching the Forms and Wording of the Proceedings; and yet the Act is very plain and express, that Witnesses are to be summoned, and are to be examined upon Oath, touching Something, which Something must be the Offence or Offences in dispute between

tween

tween the Informer and the Defendant, consisting either in not doing some Fact or Facts required by these Acts to be done, or in doing some other Fact or Facts forbidden by these Acts to be done. These Offences, whether consisting in the not doing what is required, or in doing what is forbidden, are fully and plainly expressed in the several Clauses in these Acts; so that by comparing what the Witnesses depose with the Clauses in these Acts it will not be very difficult to determine whether a Defendant is or is not guilty of an Offence or Offences against any Clause or Clauses in these Acts. But on the other hand, the entering upon critical Disputes about the Expressions used in these Informations, and the Proceedings thereon, or the Forms thereof, will upon Experience be found to tend more to cavilling, than to the procuring to either Party a just Determination. For so long as Mens Constitutions, Complexions, and Ways of thinking differ so widely as they certainly do, it will be difficult if not impossible for any Man so to word or express these or other Proceedings, but that others may think, or at least may pretend, that they might have been expressed and drawn in more apt Words and Form. But are the Forms of Proceedings, and the exact Propriety of Expression so essentially necessary to the obtaining just Determinations, that they cannot be attained without such exact Propriety? May not an Information be true, and a Judgment be just, tho' perhaps both might have been in more correct Form? And will not this way lead into Disputes about Words and Expressions, rather than to the determining of the Facts in Dispute between the contending Parties?

326 *Of Appeals to the Quarter Sessions.*

Supposing an Information drawn in the most correct Form that the most perfect Art of Man can contrive or devise, will such compleat Information be sufficient to convict a Defendant? certainly it will not; but if convicted at all, he ought to be convicted either upon his own Confession, or by the Proof and Testimony of Witnesses duly sworn and examined; and if so, how comes the correct drawing and framing these Informations to be so very Material? But if in these Cases the Justices at the Quarter Sessions, besides re-examining the Witnesses, and reconsidering the Evidence on both Sides (which seems pretty plainly to be what the Act intended) will also enter upon such critical Disputes, It may then be proper to observe to them, that the whole Proceedings which were before the particular Justices who gave their first Judgment, are by these Appeals brought before the Justices at the Quarter Sessions, who thereby have before them not only the Judgment given by the particular Justices, but also the Information on which such Judgment was given; and it may be proper (in some Cases especially) to observe further, that though the Judgment depends upon the Information, yet the Information don't depend upon the Judgment; but is so far independant thereof, that though the Judgment be erroneous or defective, yet the Information may be good and valid; and therefore the reversing or quashing the Judgment, for a Defect or Imperfection, which is in the Judgment, and not in the Information, will be no good Reason for quashing the Information; but in such Case, tho' the Judgment is quashed or reversed, yet the Information being good, and remaining unimpeached, and the Justices at the Quarter Sessions being by the

before-

Of Appeals to the Quarter Sessions.

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before-mentioned Clause finally to determine, they in such Case are to rehear the Cause, to re-examine the Witnesses, and to reconsider what the Witnesses depose; and thereupon are to give such Judgment as to them shall seem just; and if in such Case they do not enter into such Re-examination, and give such final Judgment and Determination, not only upon the Form of the Proceedings, but upon the Truth and Merits of the Fact or Facts in Controversy between the Informer and the Defendant, they do not pursue the Intent and Meaning of the before-recited Clause. And that this may not be thought to be only the Conceit and Fancy of the Writer hereof, the Officers of Excise, and for these Duties, have ready to produce the Opinions of Sir *Edward Northey*, and Sir *Robert Raymond*, that though such Judgments are so reversed or quashed for any Defect or Defects in such Judgments only, and not for any Defect in such Informations; yet if the Informations in such Cases are good and effectual, the Justices at the Quarter Sessions ought in such Cases to proceed on the Merits, as before is mentioned.

A Judg-

A Judgment at the Quarter Sessions for affirming a Judgment by Justices of the Peace against a Tanner for one Offence.

Monmouth, ff. **A**D General Quarteral Session' Pacis Dom. Regis tent' apud Villam de Bergavenny in E pro Corpore Com' Monmouth prædict' scil' Die Mercurij septimo die Octobris, Anno Regni Dom. nostri Georgij, Dei Gratia, Magnæ Britannia, Franciæ & Hiberniæ Regis, Fidei Defensor' &c. sexto, coram J. F. Ar' C. P. Ar' J. H. Ar' J. D. Ar' N. A. Ar' H. P. Ar' W. J. Ar' T. J. Ar' & L. M. Ar' & al' custodibus pacis dict' Dom. Regis necnon Justiciarijs suis ad pacem in Com' prædict' conservand' necnon al' diversa Felonias Transgressiones & alia Malefacta in Com' prædict' perpetrata audiend' & terminand' Assign' &c.

WHEREAS upon the Information of J. B. Gent. exhibited as well for his said Majesty, as for himself, before A. B. Esq; and C. D. Esq; Two of his said Majesty's Justices of the Peace for the said County of Monmouth, against J. S. of L. in the said County of Monmouth, Tanner, for his Hiding and Concealing Hides and Skins contrary to the Statut' for laying Duties upon Hides, &c. They the said Justices did adjudge him the said J. S. to have forfeited Twenty Pounds, and mitigated the said Twenty Pounds, to Seven Pounds and ten Shillings, and adjudged fifty Shillings thereof to be for the Charges of the

the Discovery and Prosecution; and the remaining five Pounds to be distributed as by the said Statut' is directed. And whereas the said J. S. afterwards appealed against the said Judgment to this Court. Now this Court having here duly examined Witnesses upon Oath, touching and concerning the said Offence in the said Information mentioned, and having likewise weighed and considered all that hath been now here alledged by either Party: It is now here considered, adjudg'd and determined by this Court, that the before mentioned Judgment of the said Justices be in all Things affirmed. And the said Judgment, and every part thereof, is accordingly in all Things affirmed by this Court.

per Cur'

A Sessions Warrant on a Judgment affirmed by the Justices at their Quarter Sessions.

Monmouth, ff. **A**D General' Quartera' Session' Pacis Dom. Regis teni' apud Villam de Bergavenny in E' pro Corpore Com' Monmouth prædict' scil' Die Mercurij Septimo Die Octobris, Anno Regni nostri Georgij, Dei Gratia, Magnæ Britannie, Franciæ & Hiberniæ Regis, Fidei Defensor' &c. sexto, coram J. F. Ar' C. P. Ar' W. T. Ar' H. R. Ar' N. A. Ar' T. H. Ar' P. B. Ar' S. R. Ar' & R. S. Ar' & al' custodibus pacis dict' Dom. Regis, necnon Justiciarijs suis ad pacem in Com' prædict' conservand' necnon ad diversa Felonias

nias Transgressiones & alia Malefacta in Com' prædicti perpetrata audiend' & terminand' Assign' &c.

THIS Court doth authorize, command, and require *E. G.* and *J. P.* Two of the Officers of his said Majesty's Duties of Excise, jointly and severally, That for the levying Seven Pounds and ten Shillings of lawful Money of *Great Britain*, by Two of his said Majesty's Justices of the Peace for the said County duly mitigated from the Sum of Twenty Pounds of like Money by the said Two Justices adjudged to have been forfeited by *J. S.* of *L.* in the said County of *M.* Tanner, for an Offence by him committed contrary to the Statut' for laying Duties upon Hides, &c. for which an Information was duly exhibited before the said Two Justices by *J. B.* Gent. who prosecuted the same as well for his said Majesty as for himself, against him the said *J. S.* upon whose Appeal to this Court the said Judgment is now affirmed, They the said *E. G.* and *J. P.* or either of them do seize, take, and carry away, or do cause to be seized, taken, and carried away the Goods and Chattels of the said *J. S.* And if within six Days after such seizing thereof the same shall not be redeemed, that then after the Expiration of the said six Days they or either of them do make Sale thereof, or of so much thereof, as thereby to Raise and Levy the said Seven Pounds and ten Shillings, to be forthwith paid to the Collector of Excise for the Time being, for the Collection called *Wales West Collection*, who is to apply fifty Shillings, part thereof, for discharging the Costs and Charges in the said Cause, and is to distribute the remaining
five

Warrants upon Appeals.

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five Pounds as by the Statut^r is directed; and if after levying the said Seven Pounds and ten Shillings any overplus shall remain of the said Goods and Chattels so to be seized, and of the Money arising by such Sale as aforesaid, or of either of them, then the said *E. G.* and *J. P.* or one of them are or is to render such Overplus to the said *J. S.* And all Constables, Headboroughs, and other Officers are hereby authorized, commanded, and required to be aiding and assisting in the due Execution hereof.

per Cur^r

A Judgment at the Quarter Sessions, where the first Judgment given by two Justices being reversed, the Justices at the Quarter Sessions gave Judgment against the Appellant for one of the Offences in the Information, and acquitted him of the rest.

Monmouth, ff. **A**D General^r Quarteral^r Session^r
*Pacis ten^r apud Villam de
Bergavenny in E^o pro Corpore Com^r Monmouth præ-
dict^r scil^r Die Mercurij septimo die Octobris, Anno
Regni Dom. nostri Georgij, Dei Gratia, Magnæ
Britanniæ, Franciæ & Hiberniæ Regis, Fidei Defen-
sor^r &c. sexto, coram J. P. Ar^r G. R. Ar^r F. J. Ar^r
A. W. Ar^r F. C. Ar^r H. F. Ar^r J. E. Ar^r R. G.
Ar^r S. R. Ar^r & W. M. Ar^r & al^r custodibus pa-
cis dict^r Dom. Regis necnon Justiciarijs suis ad pacem
in Com^r prædict^r conservand^r necnon ad diversa Fe-
lonias*

*nam Transgressiones & alia Malefacta in Com' præ-
dicti perpetrat' audiend' & terminand' Assigni &c.*

WHEREAS upon the Information of J. B. Gent. exhibited as well for his said Majesty as for himself, before A. B. Esq; and C. D. Esq; Two of his said Majesty's Justices of the Peace for the said County of M. against J. S. of L. in the said County of M. Tanner, for divers Offences alledged in the said Information to have been committed by the said J. S. contrary to the Statut' for laying Duties upon Hides, &c. they the said two Justices did give Judgment against the said J. S. from and against which Judgment he afterwards appealing to this Court, and the said Judgment being now here read, heard, and well considered by this Court, It is now here considered, adjudged, and determined, that the said Judgment be by this Court reversed and quashed, for defect in Form, and in the Wording of the said Judgment, and the same is reversed and quashed accordingly; But the said Information not being any ways quashed by this Court, but remaining in its full Force, this Court doth now proceed to examine Witnesses touching the Offences in the said Information mentioned; And it being now here duly proved by Witnesses upon Oath, that the said Appellant is guilty of one of the Offences in the said Information, that is to say, of refusing either to permit the Officer to weigh his Hides, or to assist him therein; This Court doth convict him thereof. It is therefore now here consider'd, adjudged, and determined by this Court, That the said J. S. for the said Offence whereof he is
now

now convicted, hath forfeited Fifty Pounds of lawful Money of Great Britain, which this Court doth mitigate and lessen to the Sum of Fourteen Pounds of like Money; And doth adjudge Fifty Shillings, part thereof, to be applyed for discharging the Costs and Charges in this Cause: And the remainder to be distributed as by the Statut' is in such Case directed. And it is farther considered, adjudged, and determined by this Court, that the said J. S. be acquitted of the rest of the Offences in the said Information mentioned, and he the said J. S. is hereby thereof acquitted.

per Cur'

A Sessions Warrant upon the Judgment next before, where the Sessions having first reversed the first Judgment given by the two Justices, afterwards gave Judgment against the Appellant for one of the Offences in the Information, and acquitted him of the rest.

Monmouth, ff. **A**D General' Quartera^s Sess-
sion' Pacis Dom. Regis tent'
apud Villam de Bergavenny in E^o pro Corpore Com'
Monmouth prædict' scil' Die Mercurij Septimo Die
Octobris, Anno Regni nostri Georgij, Dei Gratia,
Magne Britanniae, Franciae & Hiberniae Regis, Fi-
dei Defensor' &c. sexto, coram J. F. Ar' C. P. Ar'
J. H. Ar' J. D. Ar' N. A. Ar' H. P. Ar' W. J.
Ar' T. J. Ar' & L. M. Ar' & al' custodibus
D d 2 *pacis*

pacis dict' Dom. Regis, necnon Justiciarijs suis ad pacem in Com' prædict' conservand' necnon ad diversa Felonias Transgressiones & alia Malefacta in Com' prædict' perpetrat' audiend' & terminand' Assign' &c.

THIS Court doth Command, require, authorize, and impower *E. G.* and *J. P.* Officers of Excise, jointly and severally, that for the levying of fourteen Pounds of lawful Money of Great Britain, by this Court mitigated from the Sum of Fifty Pounds of like Money, which upon an Appeal to this Court from a Judgment given by two of his said Majesty's Justices of the Peace for the said County of *M.* upon an Information exhibited before the said Two Justices by *J. B. Gent.* as well for his said Majesty, as for himself, against *J. S.* of *L.* in the said County of *M.* Tanner, for Offences therein alledged to have been committed by him against the Statut' for laying Duties upon Hides, &c. is by this Court adjudged to have been forfeited by him the said *J. S.* They the said *E. G.* and *J. P.* or either of them do seize, take and carry away, or do cause to be seized, taken, and carry'd away the Goods and Chattels of the said *J. S.* And if within six Days next after such seizing thereof the same shall not be redeemed, that then after the Expiration of the said Six Days, they or either of them do make Sale thereof, or of so much thereof as thereby to raise and levy the said Fourteen Pounds, to be forthwith paid to the Collector of Excise, for the Time being, for the Collection called *Wales West Collection*, who is to apply Fifty Shillings thereof for discharging the Costs and Charges in this said Case, and is to

distrib-

distribute the remaining twelve Pounds and ten Shillings as by the said Statut' is directed; and if after levying the said Fourteen Pounds any Overplus shall remain of the said Goods and Chattels so to be seized, and of the Money arising by Sale thereof, or of either of them, then the said *E. G.* and *J. P.* or one of them, are or is to render such Overplus to the said *J. S.* And all Constables, Headboroughs, and other Officers are hereby authorized, commanded, and required to be aiding and assisting in the due Execution hereof.

per Cur.



The following is a summary of the findings of the investigation into the activities of the various groups and individuals mentioned in the report. It is based on the information received from the various sources and is intended to provide a general overview of the situation. The information is not intended to be a complete and exhaustive account of all the activities and is subject to change as more information is received.

For Copy

DO NOT FOR

F O R M S

F O R

PROCEEDINGS

O N

SUCH SEIZURES,

As by the late A C T for

Preventing Frauds, &c.

I N T H E

Publick Revenues,

Are to be Heard and Determined by

Justices of the P E A C E.

L O N D O N:

Printed in the Year MDCCXXXIV.

F O R M S

FOR

PROCEEDINGS

of the Court

of the County of

SUCH SEALS

as may be required

by the Act

Preventing Frauds

IN THE

Public Revenue

As to be taken and

Justice of the Peace

L O N D O N

Printed in the Year MDCCCLXIV

DIRECTIONS

F O R

*Proceeding before Justices of the Peace on
Seizures of Brandy, pursuant to the Act
of Parliament of Sexto Georgii Regis,
for preventing Frauds and Abuses in
the Publick Revenues, &c.*

IT is enacted by the before-mention'd Act,
That where *Brandy, Arrack, Rum, Spirits, or
Strong Waters*, British or Foreign, shall be seized
as forfeited, all such Seizures (except in every
Case where the Seizure shall be made for unlaw-
ful importing, and the whole Quantity, at any
one time, for that Cause seized, doth exceed Six-
ty three Gallons) shall and may in a summary
way be proceeded upon, heard, examined in-
to, and determin'd in the manner in the said
Act mention'd; (that is) if such Seizure (ex-
cept before excepted) happens to be made with-
in the Limits of the chief Office of Excise in
London, then before the Commissioners of Excise,
or the major part of them: But if in any other
Place or Places, then before Two or more Ju-
stices of the Peace, residing near to the Place
where such Seizure or Seizures shall be made:
But the Method of proceeding pursuant to the
said Act in each particular Case, will be a little
different, according to the different Circum-
stances of every and each such Case, (that is,) If

Directions for Proceeding

If *Brandy, &c.* is seized in the Custody of any Person or Persons known, so that he, she, or they may be summon'd, an Information may be forthwith laid before Two or more Justices of the Peace, and the Party or Parties being thereupon duly summon'd, such Justices may thereupon proceed to examine into the Cause of such Seizure as soon after such Summons, as they shall think fit to appoint

But if *Brandy, &c.* happens to be seized not in the Custody of any Person, either whilst removing or carrying from Place to Place, or laid in Woods, Fields, or other Place not inhabited, nor in the Custody of any Person, or in the Custody of Persons not known, who will not discover their Names, and Places of Abode, so that there is not any Person to be summon'd, in such Cases, this Act has allow'd the Owner of such *Brandy, &c.* Twenty Days from the Day of such Seizure, to make his Claim thereto.

If therefore within such Twenty Days, exclusive of the Day of such Seizure, the Owner, or any other concerned for him, doth apply to the Officer, who shall make such Seizure, and doth claim such *Brandy, &c.* then, and in such Case, an Information may be laid before the Expiration of the Twenty Days, and the Party claiming such *Brandy, &c.* being duly summoned thereupon, the Cause of such Seizure may be examin'd into, and may be heard and determined at such Place and Time, either within such Twenty Days, or after the Expiration thereof, as the Justices, before whom such Information shall be laid, shall think fit to order.

But if such Seizure is made, either not in the Custody of any Person or Persons, or in the Custody of such as are unknown, and will not discover

ver their Names and Places of Abode; and if within Twenty Days next after such Seizure, exclusive of the Day of such Seizure, no Person doth or shall appear to the Officer, who made such Seizure, to claim such *Brandy, &c.* so seized, in such Case the Information must not be laid till after the Expiration of such Twenty Days, exclusive of the Day of such Seizure.

But in such Case, the Officer, before the Expiration of such Twenty Days, may wait upon Two or more Justices of the Peace, who may agree and fix upon a Time for examining into the Cause of such Seizure, which Time must be so contriv'd, that there be a Market-Day between the Expiration of the Twenty Days, next after such Seizure, exclusive of the Day of such Seizure, and the Time so to be agreed upon for the examining into the Cause of such Seizure.

After such Time is so agreed upon, and before the next Market-Day, the Officer must write Two Notices, or Proclamations, according to the Form for that Purpose hereafter prescribed, and must deliver them to the Common Cryer of the next Market-Town, or to such other Person as there useth to cry such things as are lost, or missing. And such Common Cryer, &c. on the Market-Day, and in the Time of the Market, must, by Reading, or otherwise, publish and proclaim the Contents and Substance of such Notice, and must fix one of the said Notices on the Market-Cross, or on such Place where Proclamations are usually fixed, there to continue and remain; and on the Back of the other of the said Notices must make a Return according to the Form for that purpose hereafter prescribed.

If the Place of the Seizure happeneth to be between Two Market-Towns, and at such equal
Distance

Directions for making Seizures.

Distance from both, that it may be doubtful which of the Two is next or nearest, the safe way in such Case will be to cause Proclamation to be made at both of such Market-Towns; in order to which, the Time for examining into the Cause of such Seizure must be appointed at such Time, that after the Expiration of the Twenty Days, and before the Day of such examining, there be a Market-Day at each of such Market-Towns; in which Cases there must be four such Notices or Proclamations, signed by the Officer, to be used and returned in the manner before prescribed.

Besides which, it may be proper for the Cryer or Cryers of such Market-Town or Market-Towns, to attend the Justices at the Time of their examining into the Cause of such Seizure, and of their proceeding thereupon, in order to give them Satisfaction, touching the making such Proclamation, and the giving such Notice as aforesaid.

DIRECTIONS for making Seizures.

WHEN an Officer makes a Seizure of *Brandy, &c.* he must lay his Hand on the Casks or Vessels so seized, and must declare, that he seizes such *Brandy, &c.* and the Casks and Vessels containing the same, for the use of His Majesty, and of himself: But if such Officer happens to be alone when he makes such Seizure, he must afterwards in the Presence of Witnesses, again lay his Hand on such Casks and Vessels, and make the like Declaration as before.

Note, All Informations on Seizures must be laid in the Name or Names of the Officer or Officers making such Seizure.

A
C A U T I O N
T O

Such OFFICERS as may happen to be concerned in Prosecutions before Justices of the Peace, on Seizures of BRANDY, &c.

AS it always has been, so it is reasonable to expect it always will be the Practice of such Defendants as have no just Defence, to have recourse to Shifts and Evasions, and to use all Endeavours to avoid coming to the real Question in dispute, and amongst other Artifices, one is to raise Objections, in order to draw the Adversary into Disputes, about some Fact or Facts seemingly relating to the Matter in question, but not really and in fact relating thereto, nor to any part of the Question in dispute, and consequently do not (or at least ought not) any ways to affect the Determination thereupon.

And, accordingly it may be expected, that when upon a Legal Seizure of Brandy or Strong-water, an Information is exhibited, in order to the condemning thereof, the Owner of such Brandy, &c. (if he has no other Defence to make) may probably object, that the Liquor, which, in such Information may happen to be called

called *Brandy*, is in Fact *Strong-water*, and not *Brandy*; or if such Information shall mention the Liquor seized to be *Strong-water*, the Objection then may be, that the Liquor seized is really *Brandy*, and not *Strong-water*. And, to inforce such Objection, it may perhaps be urged and insisted, that as the said Liquors are by the Dealers therein distinguished each of them by their respective proper Names, they, in legal Proceedings, ought to be so distinguished; and if not so distinguished, that then such Information not being (as may be pretended) according to the exact Truth of such Case, is not therefore a good Information, or sufficient for the Justices to give Judgment upon.

But such Objection, when duly weighed and considered, will be found to have nothing in it. Because all the Clauses in the late Act for preventing Frauds in the publick Revenues extending (as in Fact they do) as much to *Brandy* as to *Strong-waters*, and so *vice versa*, and as much to *Arrack*, *Rum* and *Spirits*, as to either of the others: And to every, and each of the said Species and Kinds of Liquors equally, and alike, the Forfeitures thereupon do not, in any manner depend upon the particular Species or Kind of such Liquor, provided it is of any of the Kinds mentioned in the Act, or a Mixture of some, or of all of them together. And therefore the Sort or Kind of the Liquor, for which such Information is laid (provided as aforesaid) will, in such Case, be no part of the Question, or Matter in Dispute; because, whether it is of the one Sort, or of the other, or such Mixture as aforesaid, yet it may, or may not be forfeited, according as the Directions and Intent of this Act have, or have not been complied with.

As

As for Instance, suppose an Information laid upon a Seizure of any of the said Liquors, for their being removing, or removed from Place to Place, without such Certificate as the Act requires, upon such Information one Question will be, whether the Quantity so seized amounts to a Gallon or more; and another will be, whether there was, or was not such Certificate as the Act requires: For if there is no such Certificate, and if the Quantity seized is a Gallon, or more, then such Liquor, whether of the one or of the other, or such Mixture, is forfeited.

Or if an Information is laid for any of the said Liquors, as seized in an unenter'd Warehouse, or other unenter'd Place, one Question will be, whether such Place, where such Seizure is made, is, or is not enter'd; and another will be, whether such Liquor, so seized, doth or doth not belong to a Trader or Dealer therein: For if such Place be not entered, and the Owner is such Trader or Dealer, such Liquor, whether of the one sort, or the other, or such Mixture, is forfeited.

Or if an Information is laid for any of the said Liquors, as seized, for being brought into an enter'd Warehouse, &c. without such due Notice and Certificate, as by the Act is, in such Case, required, one Question will be, whether such Notice as the Act requires was or was not given; and whether there is or is not such Certificate as in such Case is required; And another will be, whether such Liquor, so seized, doth or doth not belong to a Trader or Dealer therein; for if there is such Defect of Notice or Certificate, and if the Owner is such Trader or Dealer, the Liquor, whether of
the

A Caution for Officers in Prosecutions.

the one sort or the other, or such Mixture, is forfeited.

By all which it appears, that in any of the Cases before stated, the particular Species or Kind of the Liquor (provided it be of any of the said Sorts, or a Mixture of some, or of all of them together, and provided there be such other Defect or Defects as are before-mention'd) will not make any manner of difference as to the Forfeiture; and consequently, the particular Species, Kind or Quality of such Liquor (provided as before is mentioned) will not be any part of the Question or Dispute, upon and of which the Justices are in such Case to judge and determine; And therefore the mentioning in such Information *Brandy* for *Strongwater*, or *Strongwater* for *Brandy*, ought not in such Case to be look'd upon as of any manner of Consequence.

For tho' it may be pretended that a Defendant, who, for a Pecuniary Penalty, is convicted upon an Information in some sort varying from the Fact in Question, may a second time be prosecuted for the same Penalty upon a second Information more exactly agreeing with the Fact in Question, which, by the way, can never happen without the Defendant's own Default; because, in Bar to such second Information, such Defendant (if he will) may plead such former Conviction and Judgment, yet in the Nature of the thing it is not practicable, or indeed probable, there ever can be a second Prosecution for the condemning any Parcel of such of the said Liquors as have before been condemned: But if such a thing should ever be attempted, where could be the Benefit to the Prosecutor, or Prejudice to the Defendant, to have the same thing twice condemn'd?

But

A Caution for Officers in Prosecutions.

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But it being better to avoid than answer Cavils and Objections, it will be safest in Information on Seizures, either of *Brandy* or *Strongwaters*, to use both those Names, and to mention the Liquor seized by both those Appellations, as is done in the following Forms; and the rather, because it now being, and for some time past having been, a common Practicè to mix *British Spirits* or *Strongwaters* with *Foreign Brandy*, an Information laid for seizing *Brandy* and *Strongwaters* will oftner be according to the Truth of the Fact, than if it should be for seizing either the one or the other.



E e FORMS

F O R M S

F O R

Proceedings on Seizures.

A FORM for an Information for condemning Brandy and Strong-water carrying from one Place to another, without Certificate, and seized in the Custody of a Person known.

County of South'ton, ss. **B**E it Remembred this Tenth Day of August, in the Year of our Lord 1720, at Stockbridge in the County of Southampton, That A. B. Gent. one of the Officers of His Majesty's Duties of Excise, in his proper Person, as well for His present Majesty King GEORGE, as for himself now here, exhibiteth to and before us C. D. and E. F. Esqrs; Two of his said Majesty's Justices of the Peace for the said County of Southampton, residing near to the Place where the Seizure herein after-mentioned was made, an Information and Complaint; and thereby informeth us, That before, and at the time of the Seizure herein after mentioned, he the said A. B. was, and yet is, and hath continued to be one of the Officers of His Majesty's Duties of Excise, and so being such Officer as afore-

said,

said, he the said *A. B.* on the fourth Day of *August*, now instant, at *Stockbridge*, in the said County of *Southampton*, according to the Form of the Statute in such Case made, did, in the Custody of one *G. H.* seize, and to the use of his said Majesty, and of himself, as forfeited, did arrest two Casks, and two Bottles of *Brandy* and *Strong-water*, the Quantity thereof being under Sixty three Gallons, and above one Gallon; that is to say, Twenty Gallons of *Brandy* and *Strong-water*; for that the said *Brandy* seized as aforesaid, at the Time of the said seizing thereof, was found removing, and carrying from one part of this Kingdom to another, without such Permit or Certificate, as by the Statute in such Case made is required; and was so carrying and removing, contrary to the Form of the Statute in such Case lately made: And thereupon the said *A. B.* as well for his said Majesty, as for himself, prayeth the Judgment of us the said Justices in the Premisses, and that the said *Brandy*, *Strong-water*, Casks and Bottles, for the Reason before mention'd, may remain forfeited, and may be condemn'd by us the said Justices, according to the Form of the Statute in such Case lately made; and that he may have one Moiety of the said Forfeiture, and that the said *G. H.* may be summon'd to answer the Premisses, and to shew Cause, if he can, why the said *Brandy*, *Strong-water*, Casks and Bottles should not be condemn'd.

If the Information is not laid in the same Month when the Seizure is made, then instead of (now instant) write (now last past.)

A FORM for a Summons thereon.

To G. H.

County of South'ton, ss. **Y**OU are hereby to take Notice, that *A. B.* an Officer of Excise, having on the Day of the Date hereof exhibited before us, *C. D.* and *E. F.* Two of his Majesty's Justices of the Peace for the County of *Southampton*, an Information and Complaint on a Seizure by him made, of two Casks and two Bottles of *Brandy* and *Strong-water*, found in your Custody, and removing and carrying without such Permit, or Certificate, as by the Statute in such Case made is required; We the said Justices have appointed to examine into the Cause of the said Seizure, upon *Monday* now next, being the Fifteenth Day of *August*, now instant, at Ten of the Clock in the Forenoon of the said Day, at the House of *J. K.* being at the Sign of the *Crown* in *Stockbridge*, being an Inn and Publick House; at which Time and Place, you are to appear before us, to shew Cause, if you can, why the said *Brandy*, *Strong-water*, Casks and Bottles, should not be condemn'd as forfeited: But if at the Time and Place before-mention'd you neglect to appear before us, and therein do make Default, we shall then and there, proceed to examine into the Cause of the said Seizure, and thereupon to give such Judgment as to us shall appear to be just: And we do hereby Authorize and Require *L. M.* Officer of Excise, to serve this our Summons, and to attend us at the Time and Place before appointed, then and there to make a Return to us of the Execution hereof. Given under our Hands, at *Stockbridge* afore-said, this Tenth Day of *August*, Anno Dom' 1720.

A FORM

*If the
hearing is
not to be in
the same
Month
when the
Informati-
on is laid,
then in-
stead of
(now in-
stant) write
(next en-
suing)*

A FORM for a Judgment on the Information next before, where the Party Summon'd doth appear.

AT the Time and Place appointed by us the Justices within named, in and by our Summons on the Information within written, that is to say, this Fifteenth Day of August, Anno Domini 1720, at Stockbridge in the County of Southampton, here come before us the said Justices, as well the said Informer, as also the within named G. H. to whom the within written Information is now here read, and he is now here fully acquainted with the Contents thereof; and thereupon, we the said Justices within named, in the Presence of both the said Parties, do now here proceed to examine into the Cause of the Seizure within mentioned; and it now appearing unto us, upon such our Examination, and also upon our fully hearing both Parties, and upon Examination of Witnesses now here duly sworn, and examined by, and before us, That the Fact and Facts in the said Information mention'd, is, and are true, in Manner and Form as the same is, and are therein and thereby set forth: It is therefore now here considered, adjudged, and determin'd, by us the said Justices, that the Brandy, Strong-water, Casks and Bottles within mention'd, are forfeited; and we the said Justices do give this our Judgment for the Condemnation thereof, and do likewise adjudge one Moiety thereof to be to the Use of our Sovereign Lord the King, and the other Moiety thereof, to be to the Use of the Informer within named. Given under our Hands

If the Judgment is indors'd on the Back of the Information, then it must be as here, viz. by us the said Justices within named, &c. to whom the within written Information is now here read &c. But if the Judgment is written at the Bottom of the same Paper on which the Information is written, then it must be thus, viz. by us the Justices above named, &c. to whom the above written Information is now here read. Or if the Judgment is written on another Paper, then it must be thus, viz. by us the Justices named in the Information hereunto annex'd, to whom the Information hereunto annexed, is now here read.

Forms for Proceedings on Seizures.

at Stockbridge aforesaid this Fifteenth Day of August, Anno Dom' 1720.

A FORM for the like Judgment, where the Person summon'd doth not appear.

AT the Time and Place appointed by us the Justices within named, in and by our Summons on the within written Information, that is to say, this 15th Day of August, 1720, at Stockbridge, in the said County of Southampton, before us the said Justices, here cometh the Informer within named, but the within named G. H. doth not now here appear before us, but therein doth make default: But it now appearing unto us, upon due Proof, now here duly made, that the within named G. H. was duly summon'd, and hath had due Notice to appear before us, at this Time and Place, now, here to make his Defence in, and to the Fact and Facts within mention'd: Thereupon we the said Justices within named, do now here proceed to examine into the Cause of the Seizure within mention'd, and it now appearing unto us, upon such our Examination into the Cause thereof, and also upon Examination of Witnesses now here duly sworn and examin'd, by and before us, that the Fact and Facts, in the Information mention'd, is, and are true, in Manner and Form, as the same is and are therein and thereby set forth; it is therefore now here considered, adjudged, (Ec. as in the Judgment next before)

A FORM

A FORM for a Warrant for selling Brandy condemn'd by Justices of the Peace.

To Mr. T. S. one of the Supervisors of his Majesty's Duties of Excise.

County of South'ton, ff. **W**E C. D. and E. F. Esqrs; Two of his Majesty's Justices of the Peace for the said County of *Southampton*, do hereby authorize, command, and require you the said T. S. that you cause and procure two Casks and two Bottles of *Brandy* and *Strong-water*, by us duly condemn'd, upon an Information duly exhibited before us, by A. B. Officer of Excise, as well for his Majesty, as for himself, to be duly gaged, valued and appraised, by good and lawful Men, and to be sold for the best Price that can be gotten for the same; and that immediately after Sale thereof, you pay the Money, arising by such Sale, into the Hands of the Collector of Excise for the Time being, for the Collection called *Haut's* Collection, who is to apply and account for one Moiety thereof to and for the Use of his Majesty, and to pay the other Moiety thereof to the said A. B. and for your so doing, this shall be your sufficient Warrant: And how, and in what manner you execute this our Warrant, you are to certify us under your Hand, at such Time and Place as you shall be thereunto required by us the said Justices. Given under our Hands and Seals, at *Stockbridge* in the said County of *Southampton*, this 15th Day of *August*, *Anno Domini* 1720.

Before are Directions how to proceed in Cases where *Brandy, &c.* is seized either whilst

removing from Place to Place, or in Woods, Fields, or other Places not inhabited; and is either not in the Custody of any Person owning or claiming the same, or is seized in the Custody of Persons unknown, who won't discover their Names and Places of Abode, so as they may be summon'd; and that in such Cases, there be a Notice or Proclamation in Writing, signed by the Officer who makes such Seizure; the Form of which Notice, or Proclamation, may be as hereafter followeth, viz.

A FORM for a Notice or Proclamation.

*The Form
of a Notice
or Procla-
mation.*

*Or of two
or more
Persons, as
the Case
may happen
to be.*

ALL such Person or Persons, as have, or claim to have any Property in, or any Right or Title unto all, or any Part of five Casks of *Brandy* and *Strong-water*, which on the 10th Day of *August*, now instant, (or now last past, as the Fact happens to be) at *Langton*, in the County of *Dorset* were seized by *A. B.* Officer of Excise, to the Use of his Majesty, and of himself, for that the same then and there being in the Custody of a Person then, and yet unknown to the said *A. B.* were then and there found, and met with, removing and carrying, without any lawful Permit or Certificate for the removing or carrying thereof, are hereby to take Notice, that *E. F.* and *G. H.* Esqrs; Two of his Majesty's Justices of the Peace of the said County of *Dorset*, on the third Day of *September* now next, at Ten of the Clock in the Forenoon of the said Day, at the House of *J. K.* at the Sign of the *Red-Lion* in *Blandford*, being an Inn and Publick House, will hear the Matter of the said Seizure, and will examine into the Cause thereof, and will then and there proceed

proceed to the condemning the said *Brandy, Strong-water*, and Casks containing the same, if thereupon it shall appear to them to be just, and according to the Law, so to do. Dated this 31st Day of *August*, Anno Dom' 1720.

A. B.

The FORM of a Return to be thereupon made by such Cryer.

I C. D. Cryer of the Town of *Blandford* in the County of *Dorset*, do hereby certify, that in the time of the Marker, holden and kept in, and at the said Town of *Blandford*, on *Thursday* the first Day of *September*, 1720. I the said Cryer, in the most effectual and publick manner I could, did publish and proclaim the Matter contain'd in the within written Notice and Proclamation. In witness whereof, I have hereunto set my Hand (or my Mark) this first Day of *September*, 1720.

The FORM of an Information where Brandy, &c. is seized in the Custody of a Person unknown, whilst carrying from Place to Place, and of a Judgment thereon.

Dorsetshire. ff. **B**E it Remembred this third Day of *September*, &c. (as in the Precedent before) That before and at the time of the Seizure herein after mention'd, he the said *A. B.* was, and yet is, and hath continued to be one of the Officers of his Majesty's Duties of Excise, and so being such Officer as aforesaid, he the said *A. B.* on the 10th Day of *August*, now last past, at *Langton*, in the County of *Dorset*, did seize, and to the Use of his Majesty, and

An Information for Brandy, &c. seized whilst carrying.

Or thus,
viz. Were
not in the
Custody of
any Person
or Persons
then, or yet
known to
him the
said A. B.

and of himself, as forfeited, did arrest five Casks of *Brandy* and *Strong-water*, the Quantity thereof being under Sixty three Gallons, and above one Gallon, that is to say, five and twenty Gallons, and also the Casks containing the same; for that the same were then and there carrying from one part of this Kingdom to another, without such Permit or Certificate, as in such Case is required by the Statute in such Case made; and then and there were so carrying, contrary to the Form of the said Statute, whereby the said *Brandy*, *Strong-water* and Casks, according to the Statute in such Case made, did become forfeited: And the said *A. B.* now here further informeth us the said Justices, that the said *Brandy*, *Strong-water* and Casks, at the aforesaid Time of the said seizing thereof, were in the Custody of a Person then and yet unknown to him the said *A. B.* And that twenty Days since the Day of the said Seizure being now past and expired, and that no Person having within the said twenty Days appeared unto him the said *A. B.* to claim the same; he the said *A. B.* after the Expiration of the said twenty Days, that is to say, on the first Day of *September*, now instant, the same being the Market-day at *Blandford* in the said County of *Dorset*, and the said Town of *Blandford* being the next Market-Town to the said Place where the said *Brandy* and *Strong-water* was so seized, as aforesaid, did cause publick Notice to be given by Proclamation, that on this third Day of *September*, now instant, at Ten of the Clock in the Forenoon of the said Day, at the *Red-Lion* Inn in this Town of *Blandford*, we the said Justices *E. F.* and *G. H.* would hear the Matter of the said Seizure, and would examine into the Cause thereof, and would proceed to the condemning the said *Brandy*, *Strong-*
water

water and Casks, if thereupon it shall, or doth appear unto us to be just, and according to Law so to do; and thereupon he the said *A. B.* as well for his said Majesty, as for himself, now here prayeth the Judgment of us the said Justices in the Premisses, and that the said *Brandy, Strong-water* and Casks before-mentioned, may be, and remain forfeited and condemn'd, and that he may have one Moiety of the said Forfeiture, according to the Form of the Statute in such Case made: Whereupon, we the said Justices do now here proceed to hear the Matter of the said Seizure, and to examine into the Cause thereof, and the several Allegations concerning the same, and the other Allegations in the said Information mention'd, being now here duly proved upon Oath before us, and to our Satisfaction. It is therefore now here considered, ^{The Form of the Judgment on the foregoing Information.} adjudg'd, and determin'd, by us the said Justices, that the said *Brandy, Strong-water* and Casks are forfeited: And we the said Justices do give this our Judgment for the Condemnation thereof, And do likewise adjudge one Moiety thereof to be to the Use of our Sovereign Lord the King, and the other Moiety thereof to be to the Use of the said Informer. Given under our Hands and Seals at *Blandford* aforesaid this third Day of *September, Anno Dom' 1720.*

The Form of the Warrant for selling such *Brandy, &c.* condemn'd in the Case next before, may be according to the Form of the Warrant for selling *Brandy, &c.* which is before in Page 423.

A FORM

A FORM of an Information for condemning Brandy, &c. removed without Certificate, and found in a Wood, but not in the Custody of any Person owning or claiming the same.

Suffex, ff. **B**E it Remembred this Thirtieth Day of September, Anno Domini 1720, (*&c.* as in the Precedents before) That before, and at the time of the Seizure herein after mentioned, he the said *A. B.* was, and yet is, and hath continued to be one of the Officers of his Majesty's Duties of Excise, and so being such Officer as aforesaid, he the said *A. B.* on the first Day of September, now instant, in a Wood near *Lewes*, in the said County of *Suffex*, did seize, and to the Use of his said Majesty, and of himself, as forfeited, did arrest four Casks, and four Bottles of *Brandy*, and *Strong-water*, the Quantity thereof being under Sixty three Gallons, and above one Gallon, that is to say, One and twenty Gallons; and also the said Casks and Bottles containing the same, for that the same had been carried and brought thither from some Part or Parts of this Kingdom without such Permit or Certificate, as in such Case is required by the Statute in such Case made, and had been brought to the said Wood, contrary to the Form of the said Statute, whereby the said *Brandy*, *Strong-water*, Casks and Bottles, according to the said Statute, did become forfeited: And the said *A. B.* now here further informeth us the said Justices, that the said *Brandy*, *Strong-water*, Casks and Bottles at the aforesaid time of the said seizing

ing thereof, were not in the Custody of any Person ^{Or thus,}
or Persons then or yet known to him the said A. B. ^{viz, Were}
And that twenty Days since the Day of the ^{in the Cu-}
said Seizure being now fully expired, and no ^{stody of a}
Person having within the said twenty Days ap- ^{Person, or}
peared unto him the said A. B. to claim the ^{of two or}
said Brandy, Strong-water, Casks and Bottles, ^{three Per-}
or any of them, he the said A. B. after the ^{sons then}
Expiration of the said Twenty Days, that is to ^{and yet}
say, on the Four and twentieth Day of Septem- ^{unknown}
ber, now instant, the same being Market-Day at ^{A. B.}
the Town of Lewes aforesaid, and the said Town
of Lewes being the next Market-Town to the said
Place where the said Seizure was made, did
cause publick Notice to be given by Procla-
mation, That on this Thirtieth Day of Septem-
ber, now instant, at Ten of the Clock in the
Forenoon of the said Day, at the Crown Inn in
the Town of Lewes aforesaid, we the said Ju-
stices E. F. and G. H. would hear the Matter
of the said Seizure, and would examine into the
Cause thereof; and would proceed to the con-
demning of the said Brandy, Strong-water, Casks
and Bottles, if thereupon it shall or doth appear
unto us to be just, and according to Law, so
to do. And thereupon he the said A. B. as
well for his said Majesty, as for himself now
here, prayeth the Judgment of us the said Ju-
stices in the Premisses; and that the said Bran-
dy, Strong-water, Casks and Bottles, may be,
and remain forfeited and condemned, and that
he may have one Moiety of the said Forfeiture,
according to the Form of the Statute in
such Case made; whereupon we the said Justices
do now proceed to hear the Matter of the said
Seizure, and to examine into the Cause thereof,
and the severall Allegations concerning the
same,

*The Form of a Judgment on the foregoing Informa-
on.*

same, and the other Allegations in the said Information mentioned, being now here duly proved upon Oath before us, and to our Satisfaction. It is therefore now here considered, adjudged, and determined by us, the said Justices, that the said *Brandy, Strong-water, Casks and Bottles*, are forfeited; and we the said Justices do now here give this our Judgment for the Condemnation thereof, and do likewise adjudge one Moiety thereof to be to the use of our Sovereign Lord the King, and the other Moiety thereof to be to the Use of the the said Informer. Given under our Hands and Seals at *Lewes* aforesaid, this thirtieth Day of September, Anno Domini 1720.

The Form of the Warrant for selling Brandy, &c. condemned in the Case next before, may be according to the Form of the Warrant for selling Brandy, &c. which is before in Page 423.



DIREC-

A FORM of an Information for condemning Brandy, &c. which being seized whilst carrying from Place to Place was afterwards claimed.

County of South'ton, ss. **B**E it Remembered this 4th Day of October, in the Year of our Lord 1720, at Andover in the said County of Southampton, That *A. B.* one of the Officers of his Majesty's Duties of Excise, in his proper Person, as well for his said Majesty as for himself now here, exhibiteth to and before us *C. D.* and *E. F.* Esqrs. Two of his said Majesty's Justices of the Peace for the said County of Southampton, residing near to the Place, where the Seizure herein after-mentioned was made, an Information and Complaint, and thereby informeth us, that before, and at the time of the Seizure herein after-mentioned, he the said *A. B.* was, and ever since hath continued to be, and yet is one of the Officers of his said Majesty's Duties of Excise; and so being such Officer as aforesaid, he the said *A. B.* on the Twenty sixth Day of September now last past, at a Place within the Limits of the said Town of Andover, in the said County of Southampton, did seize, and to the Use of his Majesty, and of himself, as forfeited, did arrest three Casks of Brandy and Strong-water, the Quantity thereof being under Sixty three-Gallons, and above One Gallon; that is to say, fifteen Gallons, and also the Casks containing the same; for that the said Brandy, Strong-water, and Casks, then and there were carrying from one Part of this Kingdom to another, with-

without such Permit or Certificate, as in such Case is required by the Statute in such Case made, and then and there were carrying contrary to the said Statute, whereby the said *Brandy, Strong-water, and Casks*, became forfeited. And the said *A. B.* further informeth us the said Justices, that since the said Seizure so made, as aforesaid, one *G. H.* hath appeared unto him the said *A. B.* and hath claimed the said *Brandy, Strong-water, and Casks*; and thereupon the said *A. B.* as well for his said Maiesty, as for himself, prayeth the Judgment of us the said Justices in the Premisses: And that the said *Brandy, Strong-water, and Casks*, for, and by Reason of the Premisses, may be and remain forfeited, and may be condemned by us the said Justices, according to the Form of the Statute in such Case made, and that he may have one Moiety of the said Forfeiture; and that the said *G. H.* may be summoned to shew Cause, if he can, why the said *Brandy, Strong-Water, and Casks*, should not be condemned.



A FORM of a Summons thereon.

To G. H.

County of South'ton, ss. **Y**OU having claimed Three Casks of Brandy, and Strong-water, lately seized by A. B. an Officer of Excise, whilst the same were carrying from Place to Place, without such Permit or Certificate, as in such Case is required by the Statute in such Case made; and the said A. B. having on the Day of the Date hereof, exhibited before us C. D. and E. F. Esqrs; Two of his Majesty's Justices of the Peace for the said County of Southampton, an Information and Complaint, for the condemning the said Brandy, Strong-water, and Casks; You are hereby to take Notice, that we the said Justices have appointed to hear the Matter of the said Seizure, and to examine into the Cause thereof, and thereupon to proceed to give Judgment on the eighth Day of October, now instant, at Ten of the Clock in the Forenoon of the said Day, at the House of J. K being at the Sign of the George, an Inn and Publick House, in Andover, in the County of Southampton; at which Time and Place you are to appear before us, to shew Cause, if you can, why the said Brandy, Strong-water, and Casks, should not be condemned as forfeited. But if you neglect to appear before us at the Time and Place before appointed, and therein do make Default, we shall then and there proceed to hear the Matter of the said Seizure, and to examine into the Cause thereof, and thereupon to give such Judgment therein

Water, did find and seize, to the Use of his said Majesty, and of himself, and, as forfeited, did arrest Six Casks of Brandy and Strong Water, the Quantity thereof not exceeding Sixty three Gallons, that is to say, the Quantity thereof being thirty Gallons of Brandy and Strong Water: For that he the said G. H. before, or at the said Time of the said Seizure, had not at the next Office of Excise at *Bridlington*, within the Compass and Limits of which said Office the said Room then and there was situate (such Office of Excise before and at the Time of the said Seizure having been, and yet being duly and constantly kept at *Bridlington* aforesaid) or at any other Office of Excise, made, or caus'd to be made, any Entry in Writing, of the said Room, so by him made Use of as aforesaid, as by the Statute in such Case made, he ought thereof to have made; but did voluntarily and fraudulently omit, and neglect to make such Entry, contrary to the Form of the Statute in such Case made, whereby the said Brandy, Strong-water and Casks became forfeited. And thereupon, the said A. B. as well for his said Majesty, as for himself, prayeth the Judgment of us the said Justices in the Premises, and that the said Brandy, Strong-water, and Casks, for, and by reason of the Premises, may be, and remain, forfeited, and may be condemn'd by us the said Justices, according to the Form of the said Statute in such Case made and provided, and that he may have one Moiety of the said Forfeiture; and that the said G. H. may be summoned to answer the Premises, and to shew Cause, if he can, against such Forfeiture, Judgment and Condemnation.

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A FORM for a Summons thereon.

To G. H.

*East-Riding of
Yorkshire.*

YOU are hereby to take Notice, that *A. B.* an Officer of Excise, having on the Day of the Date hereof exhibited before us *C. D.* and *E. F.* Esqrs; Two of his present Majesty's Justices of the Peace for the East-Riding of the said County of *York*, an Information and Complaint on a Seizure by him made of Six Casks of *Brandy* and *Strong-water*, forfeited by being found in a Room by you made use of for the keeping the said *Brandy* and *Strong-water*, but not by you entered at the Office of Excise (within the Limits whereof the said Room then and there was situate and being) according as by the said Statute in such Case made is required, we the said Justices have appointed to examine into the said Forfeiture, and Cause of the said Seizure, upon *Thursday* now next, being the fifteenth Day of *September*, now instant, at Ten of the Clock in the Forenoon of the said Day, at the House of *R. S.* being at the Sign of the *Lamb* in *Bridlington*, being an Inn and Publick House, at which Time and Place you are to appear before us to shew Cause, if you can, why the said *Brandy*, *Strong-water* and Casks, should not be condemned as forfeited. But if at the Time and Place before mentioned you neglect to appear before us, and therein do make Default, we shall then and there proceed to the Examination into

F f 3

the

Forms for Proceedings on Seizures.

the Cause of the said Forfeiture and Seizure, and to give such Judgment as thereupon to us shall appear to be just. And we do hereby authorize and require *M. R. Officer of Ex-cise*, to serve this our Summons, and to attend us at the Time and Place before appointed, then and there to make a Return to us of the Execution hereof. Given under our Hands at *Bridlington* aforesaid this Tenth Day of *September*, Anno Domini 1720.



The FORM of a Judgment on the foregoing Information for condemning Brandy, and Strong-water, found in an unentered Room, belonging to a Trader or Dealer in Brandy, &c.

AT the Time and Place appointed by us the Justices within named, in and by our Summons on the Information within written; that is say, this Fifteenth Day of September, Anno Domini, 1720, at Bridlington in the East-Riding of the County of York, here come before us the said Justices, as well the said Informer, as also the within named G. H. to whom the within written Information is now here read, and he is now here fully acquainted with the Contents thereof. And thereupon we the said Justices within named, in the Presence of both the said Parties, do now here proceed to examine into the Cause of the Forfeiture and Seizure within mentioned. And it now appearing unto us upon such our Examination into the Cause thereof, and also upon our fully hearing both Parties, and upon Examination of Witnesses now here duly sworn and examined by and before us, that the Fact and Facts in the Information mentioned, is and are true in Manner and Form as the same is, and are therein and thereby set forth. It is therefore now here considered, adjudged and determined by us the said Justices, that the Brandy, Strong-water, and Casks, within mentioned, are forfeited. And we the said Justices do give this our Judgment for the Condemna-

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tion thereof, and do likewise adjudge one Moiety thereof to be to the Use of our Sovereign Lord the King and the other Moiety thereof to be to the Use of the Informer within named. Given under our Hands at *Bridlington* afore said this fifteenth Day of *September*, Anno Domini 1720.

The Warrant for selling in the Case next before may be according to the Form of the Warrant for selling which is before in Page 423.



FORM

A FORM of an Information, for condemning Brandy, &c. of a Dealer therein, brought into an entered Room, without Notice and Certificate.

City of York. *¶* **B**E it Remembred, this Tenth Day of September, in the Year of our Lord 1720, at the City of York, That *A. B.* one of the Officers of his Majesty's Duties of Excise, in his proper Person, as well for his said present Majesty King *GEORGE*, as for himself, now here exhibiteth to and before us *C. D.* and *E. F.* Esqrs. Two of his said Majesty's Justices of the Peace for the said City of York, residing near to the Place where the Forfeiture and Seizure herein after-mention'd were made, an Information and Complaint, and thereby informeth us, That before and at the Time of the Forfeiture and Seizure herein after-mentioned, he the said *A. B.* was, and ever since hath continued to be, and yet is one of the Officers of his Majesty's Duties of Excise; and that before, and at the Time of the Forfeiture and Seizure aforesaid, *G. H.* was and ever since hath continued to be, and yet is a Seller of, and Dealer in Brandy and Strong-waters. And that he the said *A. B.* so being such Officer as aforesaid, and the said *G. H.* so being such Seller and Dealer as aforesaid, he the said *A. B.* on the Twentieth Day of *August* now last past (or on the first Day of *September* now instant, as the Fact may happen to be) at the said City of York, in a Room then and there belonging to, and made use of by him the said *G. H.* for keeping Brandy and Strong-waters, did

did seize to, and for the Use of his said Majesty, and of himself, and, as forfeited, did arrest six Bottles of Brandy and Strong Waters, the whole Quantity thereof not exceeding Sixty three Gallons; that is to say, the Quantity thereof being twelve Quarts of Brandy and Strong Waters, as forfeited, for that the same had been brought into the said Room so as aforesaid, made use of by him the said G. H. without first giving Notice thereof to the Officer of Excise of the Division and Place in which the said Room was situate, and without producing to the said Officer, or leaving with him such Certificate as by the Statute in such Case made is required, and was brought thither, and lodg'd there contrary to the Form of the Statute in such Case made and provided; whereby the said Brandy, Strong-waters and Bottles, became forfeited. And thereupon the said A. B. as well for his said Majesty, as for himself, prayeth the Judgment of us the said Justices in the Premises; and that the said Brandy, Strong-waters, and Bottles, containing the same, for and by Reason of the Premises may be and remain forfeited, and may be condemned by us the said Justices according to the Form of the Statute in such Case made and provided; and that he may have one Moiety of the said Forfeiture; and that the said G. H. may be summoned to answer the Premises, and to shew Cause, if he can, against such Forfeiture, Judgment and Condemnation.

A FORM for a Summons on the foregoing Information.

To G. H.

City of York. ff. **YOU** are hereby to take Notice, that *A. B.* an Officer of Excise, having on the Day of the Date hereof exhibited before us *C. D.* and *E. F.* Esqrs; Two of his present Majesty's Justices of the Peace for the said *City of York*, an Information and Complaint on a Seizure by him made of six Bottles of Brandy and Strong Waters forfeited, for that the same had been and were brought into a Room by you made use of for keeping Brandy and Strong-waters, without due Notice in Writing to the Officer of Excise of the bringing thereof, and without any due Certificate for the same, and contrary to the Form of the Statute in such Case made and provided; we the said Justices have appointed to examine into the said Forfeiture, and Cause of the said Seizure, upon *Tuesday* now next, being the thirteenth Day of *September* now instant, at Ten of the Clock in the Forenoon of the said Day, at the House of (*&c.* according as in other Summons's before, changing such Words as are proper to be changed.)

If upon such Information Judgment is given for condemning such Strong-waters, such Judgment may then be according to the Form, Page 421, or 422, according as may suit the Case, changing only such Words as are proper to be changed.

And the Warrant for selling may be according to the Form of the Warrant before, Page 423, changing only such Words as are proper to be changed.

P O S T C R I P T.

NOTE. **T**HAT in the Act for preventing Frauds, &c. in the publick Revenues, on which all the foregoing Proceedings are founded, the Exception as to proceeding in a summary Way before Justices of the Peace on Seizures of Brandy, &c. not above sixty three Gallons, is not general, or so as to extend to all Seizures of above that Quantity; but is restrained and limited to such Seizures only of above that Quantity as are for *unlawful Importation*; and therefore in all other Cases of Seizures, by Virtue of the said Act, the Proceedings may be in a summary Way before Justices of the Peace, though the Quantity seized at one time doth exceed Sixty three Gallons; and what is before mentioned relating thereto must accordingly be so taken and understood. And it is to be further observed, that the mentioning in the Forms before, that the Quantity did not exceed Sixty three Gallons (for the Reason before) might have been omitted, or may be omitted, where the Seizure is not for unlawful Importation.

NOTE. **NOTE** further, That every Officer seizing any considerable Quantity, must, in all Cases, give the Board an Account thereof before he proceeds thereon.

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A

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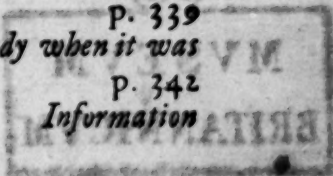
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